

To: [REDACTED]
Bcc: Isabella Bolton Torres[isabella.bolton.torres@lacity.org]; Khalil Rasheed[khalil.rasheed@lacity.org]
From: Armida Bayliff
Sent: Fri 12/27/2019 8:17:31 PM
Subject: Re: Question regarding property on 42nd

Good afternoon [REDACTED]

I wanted to let you know that HCID Inspector Maurice Williams (213-252-2869) called me from 263 W 42nd Place. He did not notice any graffiti at the location. Since he did not find any graffiti violations, he is going to close the case. He did ask if you could give him a call at the above number to discuss your concerns about graffiti at the location. You would remain anonymous.

Armida
213-978-7986

On Wed, Dec 18, 2019 at 1:08 PM [REDACTED] wrote:

I want to start by saying thank you, with your support that street will become safer since this home has been targeted weekly for many years.

I want to help my community if you allow me to continue to send you problematic areas that can benefit from having more support. Calling 311 only gets rid of the graffiti but we are not taking care of the underlying need. I believe that with your support I can help my community.

Thank you so much for your support I want to also ask you if you can keep me anonymous since it involves gangs in the area that I live and other areas that I want to support.

Please only email me directly and if possible don't CC anyone I want to support as much as I can but I'm also going through trauma and anxiety that makes me have worried thoughts.

Thank you very much!

Sent from my iPhone

On Dec 18, 2019, at 9:08 AM, Armida Bayliff <armida.bayliff@lacity.org> wrote:

Hello [REDACTED]

I reported the graffiti on the duplex at 261 W. 42nd Place to the Housing and Community Investment Department (HCID). HCID covers enforcement for residential properties with 2 or more units. The case number associated with it is: 749756. You can also report graffiti to them at the following website: <http://hcidapp.lacity.org/ReportViolation/Pages/ReportViolation>

If you wish to report graffiti on vacant buildings, single family residences, or commercial properties, you can report them to the LA Department of Building and Safety at the following website: <https://www.ladbsservices2.lacity.org/OnlineServices/?CFID=504821&CFTOKEN=89707535>

In your previous email, you had asked if there was a way to have the homeowner of this property (261 W 42nd Place) install cameras or have abatement orders issued to stop the nuisance. I am cc'ing your assigned Neighborhood Prosecutor Khalil Rasheed and Isabella Bolton Torres, the Community Resource Specialist for the area to this email. They can connect you to your assigned LAPD Senior Lead Officer to help start documenting/making arrests on the nuisance activity.

Please let me know if you have any questions.

Thank you!

Armida

213-978-7986

On Tue, Dec 17, 2019 at 4:46 PM [REDACTED] wrote:

Hello I just wanted to see if you had an update on this email

Sent from my iPhone

On Dec 13, 2019, at 9:38 AM, Armida Bayliff <armida.bayliff@lacity.org> wrote:

Dear [REDACTED]

Ivor Pine from the City Attorney's Executive Team forwarded your email to us regarding the passing of your brother. We are very sorry for your loss.

I am following up to confirm the address of a problem location you submitted to the City Attorney's Office problem property portal. You provided 273-287 W 42nd Street.

I looked up the property and found the following:

- The west 200 block of **42nd Street** only goes up to 263 W. 42nd Street. There is an alley to the west of 263, but it is gated off and appears to be maintained by the commercial strip property (small alley abuts the commercial strip property).
- The west 200 block of **42nd Place** only goes up to 261 W. 42nd Place. There is an open alley to the west of 261 followed by the parking lot of a bakery.

Can you please confirm if either or none of these addresses are the ones you are referring to?

Thank you.

Armida Bayliff
SNAGD - NPP
200 N. Main Street
Los Angeles, CA 90012
213-978-7986

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To: Armida Bayliff[armida.bayliff@lacity.org]; Cynthia Gonzalez[cynthia.gonzalez@lacity.org]
From: Ivor Pine
Sent: Mon 10/21/2019 6:59:23 PM
Subject: Fwd: test

Problem property alert in Hollenbeck. Thank you!

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

3223 Sheffield Avenue L.A. CA. 90032

Describe Criminal Activity

The property has the water shut off. They are stealing water from various houses by filling up 5 gallon containers and carrying them back home. They have also stolen delivered water from our front porch. We caught them on camera doing so. After approaching them, they admitted to doing so. There is also no gas at the property either. There is what we believe to be a stolen car in the back yard. People are constantly coming and going from the property so we believe drugs are being sold, or being traded for sex. The tenants who live there are constantly fighting, yelling, and breaking things. We have called the police repeatedly. Just about 6 mos ago, there was a fatal drive by shooting near their home. The victim was someone they allowed to park and live in his vehicle on their front yard. They are a major disruption to the peace in the neighborhood and we would like the City Attorney's Office to pressure the landlord to evict them. Thank you.

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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To: Gina Paialii[30347@lapd.online]
Cc: Armida Bayliff[armida.bayliff@lacity.org]; Gabrielle Taylor[gabrielle.taylor@lacity.org]; Isabella Bolton Torres[isabella.bolton.torres@lacity.org]; EDMUND LUM[Edmund.Lum@lacity.org]; Michael Schulzinger[mike.schulzinger@lacity.org]
From: Jeffrey Corpuz
Sent: Tue 10/1/2019 7:45:26 PM
Subject: Re: FW: Avon/Ewing problem location

Hi SLO Paialii,

Inspector Ed Lum (cc'd) is the one assigned for the area. He will coordinate site inspection with you. Thank you.

Jeffrey Corpuz
Building Mechanical Inspector
Department of Building and Safety
Code Enforcement Bureau
Vacant Building Abatement
221 N. Figueroa St. Suite 1100
Los Angeles, CA 90012
Mail Stop 115
Phone: (213) 252-3946
E-mail: Jeffrey.Corpuz@lacity.org

On Thu, Sep 26, 2019 at 5:52 PM Gina Paialii <30347@lapd.online> wrote:

>
> I will make myself available for the inspection, however due to dodgers advancing to play offs, possible championship and potentially world series, my schedule will be tight. If dodgers don't advance to championship I am available October 9th. October 15 and 16. I can also coordinate officers to respond with Inspector Corpuz to make sure he is safe. Thank you everyone for jumping on this. Gina

>
>
>
> SLO Gina Paialii

>
> 3353 San Fernando Rd
>
> Los Angeles, CA 90065

>
> (213) 793-0760

>
>
>
> "Everyone you meet is fighting a battle you know nothing about, so be kind always."

>
>
>
> From: Armida Bayliff [mailto:armida.bayliff@lacity.org]
> Sent: Wednesday, September 25, 2019 8:55 AM
> To: Gabrielle Taylor <gabrielle.taylor@lacity.org>; Isabella Bolton Torres <isabella.bolton.torres@lacity.org>; Gina Paialii <30347@lapd.online>; Jeffrey Corpuz <jeffrey.corpuz@lacity.org>
> Subject: Re: FW: Avon/Ewing problem location

>
>
>
> Hi.

>
> I'm adding Insp. Corpuz on this email.

>
> I just spoke to him on the phone.

>
> He would like to conduct an inspection with Gina.

>
> Armida

>
>
>
> On Wed, Sep 25, 2019 at 8:47 AM Armida Bayliff <armida.bayliff@lacity.org> wrote:

>
> Hi Everyone.

>
>
> I checked LADBS' property activity report and they assigned Insp. Jeffrey Corpuz (213-252-3946 - for vacant house opened to unauthorized entry).
>
> I think it is best to start with Jeff on this one. Maybe he has already been out to the property.
>
>
>
> I did not find recent notes in HCID's worklogs. The last notes were from March of 2018 that mentioned the building was in escrow.
>
>
>
> It also appears the building is in foreclosure (per data tree). They've defaulted on their construction loan.

- > Attaching
 - > LUPAMS - owner (1968 Avon LLC)
 - > SOS - Sec. of State info
 - > LADBS - property activity info
 - > DataTree Info - owner info with deed of trust and notice of default (from Aug. 2019).
 - > HCID - work log notes



> Gabrielle P. Taylor, Deputy City Attorney
>
> Office of the City Attorney, Los Angeles
>
> Neighborhood Prosecutor, Northeast Division
>
> 200 N. Main St., 9th Floor
>
> Los Angeles, CA 90012
>
>
> Main Line: (213) 978-7878
>
> Direct Line: (213) 978-2230
>
>

- > Download City of Los Angeles Mobile Apps to access City Services (Street Services, Lights, Sanitation).

> <https://www.lacity.org/311-services/mobile-apps-and-sites>

> On Tue, Sep 24, 2019 at 3:28 PM Gina Paialii <30347@lapd.online> wrote:

> Gabs, looks like these are professional squatters. Gina

> SLO Gina Paielii

> 3353 San Fernando Rd

> Los Angeles, CA 90065

> (213) 793-0760

> "Everyone you meet is fighting a battle you know nothing about, so be kind always."

> From: Javier Garcia

> Sent: Tuesday, September 24, 2019 3:07 PM

> To: Gina Paialii <30347@lapd.online>

> Subject: Avon/Ewing problem location

> These are the squatters.

> 1410 Ewing St

> Get Outlook for Android

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> *****

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Cc: Gabrielle Taylor[gabrielle.taylor@lacity.org]; Isabella Bolton Torres[isabella.bolton.torres@lacity.org]; GINA CHOVAN[30347@lapd.lacity.org]; EDMUND LUM[Edmund.Lum@lacity.org]; Michael Schulzinger[mike.schulzinger@lacity.org]
From: Jeffrey Corpuz
Sent: Wed 9/25/2019 4:12:54 PM
Subject: Re: FW: Avon/Ewing problem location
[20190920_141126.jpg](#)
[20190920_141200.jpg](#)
[20190920_141241.jpg](#)
[20190920_141258.jpg](#)
[20190920_141216.jpg](#)
[20190920_141322.jpg](#)
[20190920_141328.jpg](#)

Hi to all,

I inspected the vacant building 1968 N Avon St on 9/20/2019 and it's barricaded and secured. (see attached photos) 1410 W Ewing St is the second house, which appeared occupied but did not observed anybody at the property at time of inspection. Inspector Ed Lum is the assigned Inspector for the area. (cc'd) Let us know when do you want to do another inspection. Thank you.

Jeffrey Corpuz
Building Mechanical Inspector
Department of Building and Safety
Code Enforcement Bureau
Vacant Building Abatement
221 N. Figueroa St. Suite 1100
Los Angeles, CA 90012
Mail Stop 115
Phone: (213) 252-3946
E-mail: Jeffrey.Corpuz@lacity.org

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Armida

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DataTree Info - owner info with deed of trust and notice of default (from Aug. 2019).

HCID - work log notes



Gabrielle

Gabrielle P. Taylor, Deputy City Attorney
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SLO Gina Paialii

3353 San Fernando Rd

Los Angeles, CA 90065

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Sent: Tuesday, September 24, 2019 3:07 PM

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Subject: Avon/Ewing problem location

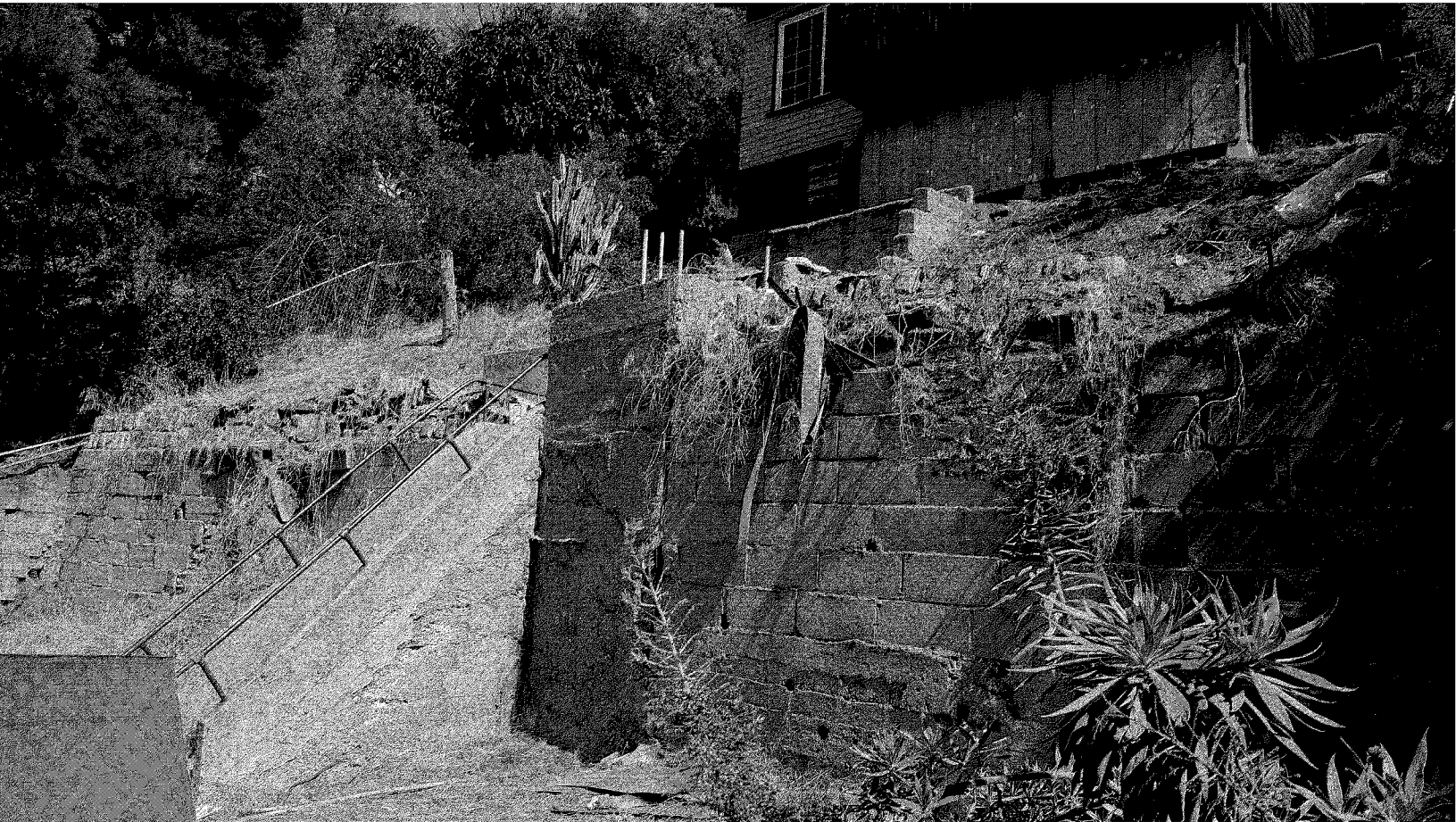
These are the squatters.

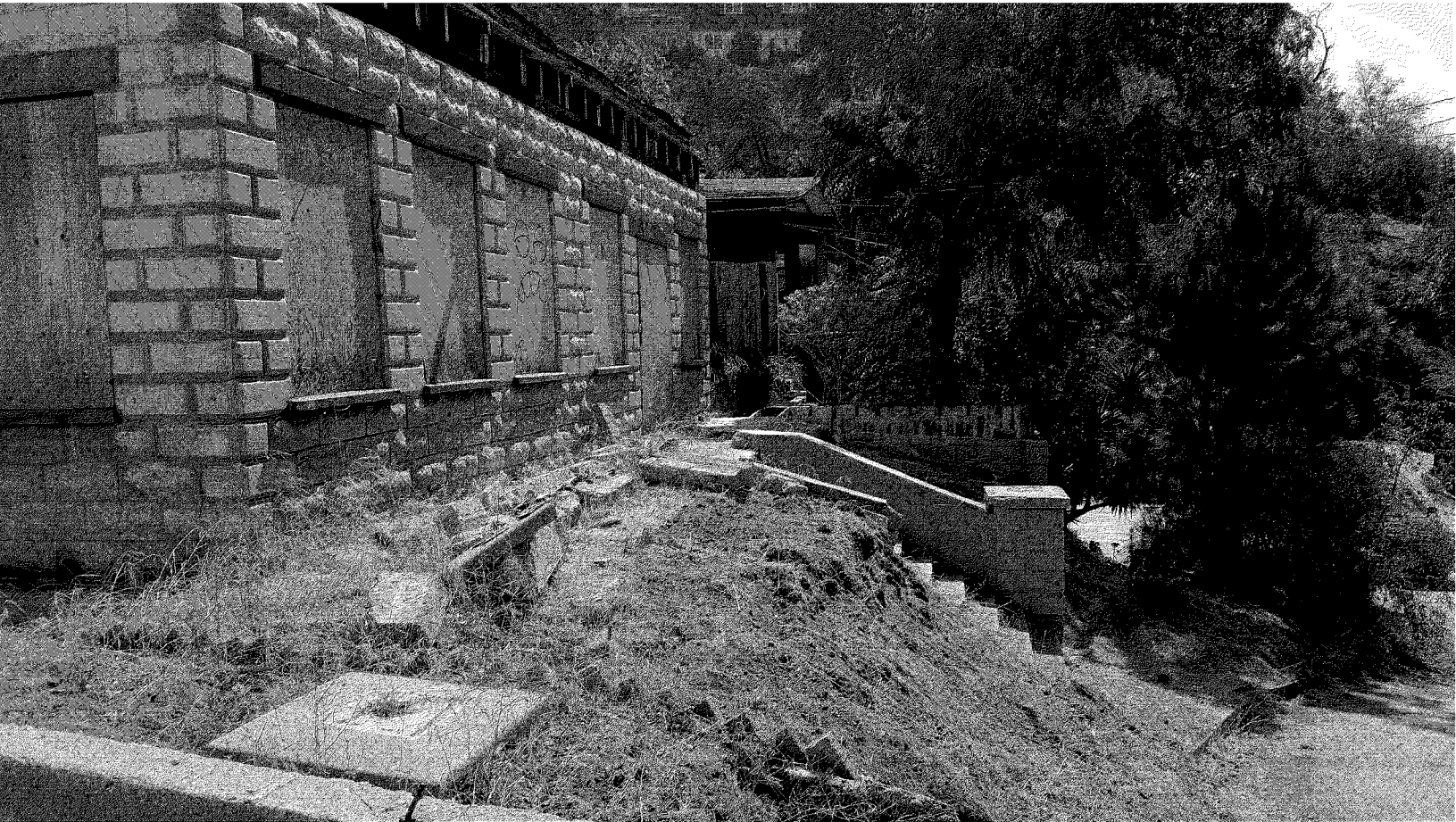
1410 Ewing St















To: Khalil Rasheed[khalil.rasheed@lacity.org]
Cc: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 12/6/2019 9:12:20 PM
Subject: Fwd: test

Hi Khalil,
Happy Holidays! We've received this constituent complaint regarding a property in Newton.

Thank you, as always,

Ivor

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

3333 s hill street, los angeles, ca. 90007

Describe Criminal Activity

every fridays, Saturdays and Sundays. Illegal Marijuana parties. Hundreds of people, loud music, trash all over, grafetiti all over the neighborhood. the smell in air last till mondays!!! this warehouse holding the activities for months and no one from city to stop them???

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 9/4/2019 5:59:52 PM
Subject: Fwd: test

Good morning,
A problem property alert.

Thank you,

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

5923 Haas Avenue Los Angeles, CA

Describe Criminal Activity

This property has multiple reports against it. Speaking to 311, it has been under investigation since August. There are homeless people camped out in the backyard and backhouse. Multiple fires have occurred and the people are stealing from the neighbors, including myself. I understand the property owners called the police and nothing was done. They moved out because they are fearful. This property should be deemed as a nuisance property, receive an injunction and force the property owner to eradicate with the assistance of the sheriffs or it should be foreclosed on. This is unacceptable for our community!

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

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Best regards,

Epic Form Builder Team

To: Michelle West[michelle.west@lacity.org]; Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 7/26/2019 12:05:45 AM
Subject: Fwd: New message via your website, from techdlx@yahoo.com

Good afternoon,
A potential problem property email has come in for Southwest. Thank you.

Ivor

Message Details:

NAME:: [REDACTED]

EMAIL:: [REDACTED]

NEIGHBORHOOD:: Centus/ Mid City / La Cienega & jefferson

HOW CAN WE HELP?: **5793-99 W CORBETT ST 90016** is a huge problem, between the hole in thier fence which is a shortcut people use to and from the train, to the squatters, to the dope needles, to the homeless tents, trash, bad landscaping and overall foul and delapadated building. It has to stop. The hole in the fence can be seen when you go to google maps and look at the alley between the building and the metro parking structure. No building looks like that in Encino, Hancock Park, Beverlywood, Palms, Even most of the mid city. Please fix this. I have reported to building and safety nothing gets done. The police come out to kick out squatters routinely nothing gets done, most of the units are boarded up WHY? Especially with the housing crisis and considering the large scale development in the are it's unreasonable. Fix this or conside my vote GONE...resident at [REDACTED]

To edit your email settings, go to your Inbox on desktop.

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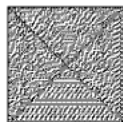
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 7/31/2019 5:35:34 PM
Subject: Fwd: test

Good morning,
A potential problem property alert has come in.

Thank you,

Ivor



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address



Describe Criminal Activity

activities are the drug dealers jamming the street next to Tarzana Treatment Center on 18646 oxnard st. tarzana, ca 91356 and trashing the place to sell drugs to the facilitie's inpatient residents. consequently we encounter homeless sleeping on this street and urinating on the trees and dealing with the smell and trash. The Tarzana treatment center is a major contributor to this problem. excess noise and gangs being left in the patio to play ping pong and violently screaming is a problem which adds to the gang problem in the area. I would like the city attorney's office to investigate and also to send warning to this facility for disturbance and gang viloence that occurs in their facility and causes police presence. gang shooting in my area and un-necessary fireworks middle of the night by ganag members and grifiti on yolanda street which is adjacent to the tarzana treatment center. We would like to also report excess noise in the early morning hours by the residents of this facility according to noise ordiancne they are supposed to keep the activities and noizes to the minimum but unfortunately they are ignoring the ordinance and keeping their residents(gang members) on thepation early morning till late evenings at times and disturbing and causing fear of retaliation because we do complain to this facility and them ignoring our request to be considerate. vandalism of hour property by these gangs that are sent to the facility by the judiciary system. Local police is ignoring our request to investigate or call this facility to respect the noise ordinance and respect the adjacent residents. I have a home business and not able to perform due to these extreme activites and excess noise and police presence almost every day in this facility

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

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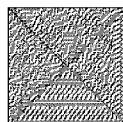
To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 7/15/2019 7:56:07 PM
Subject: Fwd: test

Hi Armida,

Here's a problem property alert for you.

Thank you,

Ivor =====



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

540 S. Catalina St. Los Angeles

Describe Criminal Activity

Mr. F there is gang activity running out of Bleu's right on Alexandria. If you go from Western to Vermont; you will see that the Korean's are maffed up. The area chapman center is completely illegal. Plus the wives on Catalina; there is Regina Kim. She is Donald Sterling's Building manager. I would totally look at this woman. In fact, i think she may be related to Kim Jung Un. Then she has these old korean ladies that come over and kabitz with her. They do the heavy lifting for their hubbies. Wearing vests and walking around like orange is the new black extras. I am going to say that the medical building by the Chevron; North west corner of 6th and Catalina; i woudl totally check that out. Seems like girls are coming from there into the apt for keys with food and walking upstairs. Problem is I think the pres may own a piece. Has his daughter Ivanka running ops. They totally had my place cammed up getting off watching me naked etc. Sounds crazy but here let me explain. I have been known to sunbathe at a beach in FI by Trump Towers. I didn't realize it then but I am quite sure i was under survielience. So the Trump family humor is such that they think "oh you want to be an exhibitionsist" we will give you the opportunity. Plus this is shameful but they sold me a piece of furniture with a pink bow tied behind it. I can give you the deetts on that if you are interested. Perve central. Look, i did alot of stupid stuff under the influence but I lost my right to drink. 3 years.

Name (optional)



Email (optional)



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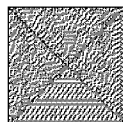
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Tue 8/13/2019 7:27:26 PM
Subject: Fwd: test

Hi Armida,
A potential problem property alert for you.

Thanks,

Ivor



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

1944 Laurel Canyon Blvd

Describe Criminal Activity

They have parties all the time. Today they have blocked our one way street with Valet and blocked driveways and sidewalk and you can't get through. This is a residential street and these people are running a business out of their home. The rent their house out for \$800 per hour plus and bring hundreds of strangers on to our block, valet parking and tow away signs and Ubers and Lyft going the wrong way on our one way street. They also have heat lamps and fire pits and the smell of kerosene is strong today as they are probably Barbecuing. This wouldn't be a problem if it's for your family but it's for about 100 people and lots of fire in The Canyon. I am a senior citizen and I am terribly bothered this. I have lived in this house for 7 years, in the neighborhood for over 60 years. These people have been here for less than one year. Please help. Thank you

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be

referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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To: Gabrielle Taylor[gabrielle.taylor@lacity.org]; Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 7/3/2019 6:36:42 PM
Subject: Fwd: New message via your website, from [REDACTED]

Good morning,

A concern about a problem property / Air BNB party house in Northeast has come in. Thank you. (FYI - the video mentioned was not attached).

Thank you,

Ivor

A site visitor just submitted a new Contact Form

to [Contact Us](#)

Message Details:

NAME:: [REDACTED]

EMAIL:: [REDACTED]

NEIGHBORHOOD:: Eagle Rock

HOW CAN WE HELP?: Re 5234 Highland View Ave. 90041 I send this request for your assistance in reigning in this particular Air BnB property which disrupts the peace and solitude of our neighborhood every weekend (Friday – Sunday) with various social events and amateur filming. Note: the attached video is from my backyard at 11:30pm on 06/21/2019. It is a short video, but gives an idea on the level of noise from occupants talking boisterously next door. Most functions take place in the backyard purposefully designed for outdoor/evening activities [per the Air BnB selling point], which promotes participants, who are NOT official Air BnB guests, to become loud and sometimes obnoxious until the late night hours, without regard of the rights of the immediate neighbors. The scenario seems to be: one person ‘rents’ a room at the property via Air BnB, then invites a number of friends, relatives, strangers, etc. to participate in social activities that become disruptive. This must stop. No other property owners are being this disruptive. The unwanted social noise [including secondhand cigarette smoke] is not conducive to the well-being of the surrounding neighbors. I have confidentially talked to affected neighbors and all do not want to ‘cause trouble’, but agree about the disruption to sleep and solitude from such activities emanating from 5234

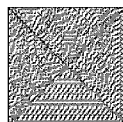
Highland View Avenue. We moved to the area for the serene atmosphere. Now, we cannot rest, work, read, nor appreciate a silent evening with open windows [during summer]. Other unwelcome attributes of such activity are: a) lack of resident parking, b) creating an atmosphere uncondusive to adjoining property values, c) attracting non-residents who may scope out properties for burglary d) destroying the uniquely residential feel of the area You and the ERNC are our only hope to resolve this safety issue. Calling the LAPD on numerous occasions has not resolved the issue [as it is a low priority call]. Please use your powers to contact the property owner to cease and desist. We need action on this issue to return to normalcy. Thank you

To edit your email settings, go to your Inbox on desktop.

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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Tue 6/25/2019 5:25:28 PM
Subject: Fwd: test

Good morning. A problem property alert for you. Thanks!
Ivor



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

3107 8th Avenue, Los Angeles, CA 90018

Describe Criminal Activity

A gang house for decades. They sell hard drugs (heroin and crack) out of the house and hang out and drink, and party and smoke there. Honestly, my neighbors don't go by that end of the block and I personally do not walk down my own avenue when I go to Jefferson - I usually go to 7th Avenue instead. Here are the homicide reports for the most recent related murders: March 31st, 2017 / Whitney Henry Yorke <http://homicide.latimes.com/post/whitney-henry-yorke/> April 5, 2015 / Warren James Kelly <http://homicide.latimes.com/post/warren-james-kelly/> September 1, 2014 / Brittney Gene Barnett <http://homicide.latimes.com/post/brittney-gene-barnett/>

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

*****Confidentiality Notice*****

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Thur 6/20/2019 8:58:05 PM
Subject: Fwd: test

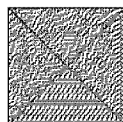
Happy Thursday afternoon! Here's another problem property alert.

Thank you,
Ivor

Ivor Pine, *Deputy Director*
Community Engagement & Outreach
The Office of Mike Feuer, *L.A. City Attorney*
213-978-8367: desk
213-503-6136: direct
ivor.pine@lacity.org

[ONLINE](#)
[INSTAGRAM](#)
[TWITTER](#)
[FACEBOOK](#)
[NEXTDOOR](#)

----- Forwarded message -----
From: <notifier@epicformbuilder.com>
Date: Thu, Jun 20, 2019 at 11:36 AM
Subject: test
To: <ivor.pine@lacity.org>



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

20318 Clark st. Woodland Hills ca 91367

Describe Criminal Activity

A number of "bloods" live within the house. Often standing in the middle of the street intimidating the neighborhood, fighting in the street, parties, loud music, drug and alcohol use.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may

not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

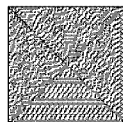
If you have any questions or concerns, please [write us for support](#).

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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Tue 7/23/2019 4:04:21 PM
Subject: Fwd: test

Good morning. Another problem property alert for you. Thanks!



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

16440 index st Granada hills

Describe Criminal Activity

We believe they are still have something going on stranger are still coming around working on cars still all hours we they say they are helpo the homeless but tbeir saleing them drug's and were all tieref

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

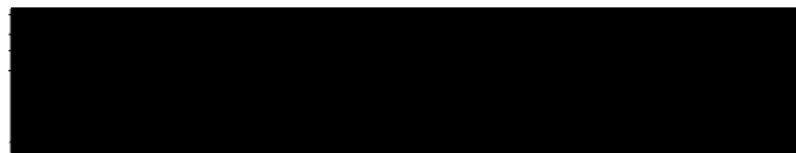
Epic Form Builder Team

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To: Armida Bayliff[armida.bayliff@lacity.org]
Cc: Sonja Dawson[sonja.dawson@lacity.org]
From: Nicole Deering
Sent: Mon 6/17/2019 6:00:26 PM
Subject: Fwd: Referrals (N Joy and Property just south
referral (1).pdf



Regards,
Nicole Deering (310) 941-7898
Community Resource Specialist - South Bureau
Neighborhood Prosecutor Program
Safe Neighborhoods & Gangs Division
Office of the Los Angeles City Attorney
200 N. Main Street, 9th Floor
Los Angeles, CA 90012
Tel (213) 978-7878



----- Forwarded message -----

From: Armando Leyva <37247@lapd.online>
Date: Thu, Jun 13, 2019 at 2:59 PM
Subject: Referrals (N Joy and Property just south
To: Nicole Deering <nicole.deering@lacity.org>

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LOS ANGELES CITY ATTORNEY'S OFFICE
CITYWIDE NUISANCE ABATEMENT PROGRAM
PROPERTY REFERRAL FORM

DATE: 6/13/19

LAPD DIVISION: SOUTHEAST

PROPERTY ADDRESS: 10952 S. WILMINGTON

PROPERTY DESCRIPTION: (check one)

- ☐ Single family dwelling ☒ Duplex/triplex ☐ Apartment building ☐ Commercial
☐ Motel/hotel ☐ Restaurant/bar ☐ Other: _____

NUISANCE ACTIVITIES: (check all that apply)

- ☒ Narcotics ☐ Prostitution ☒ Gangs ☐ Vacant (open to unauthorized entry)
☐ Group Home ☐ Marijuana business ☒ General nuisance ☐ Graffiti

Please briefly describe nuisance and/or site conditions:

GANGMEMBER LOITERING IN FRONT OF RESIDENCE AND ALSO INSIDE
GATE, OFTEN TIMES SMOKING MARIJUANA. RECEIVED COMPLAINTS OF
NARCOTICS BEING SOLD FROM REAR OF LOCATION.

COMPLAINANT INFORMATION:

NAME: OFFICER A. LEYVA

PHONE NUMBER: [REDACTED]

MAILING OR EMAIL ADDRESS: 37247 @lapd.online

AGENCY* (if applicable): LAPD / SOE

PERSON SUBMITTING THIS FORM: (if different than complainant)

NAME: _____

PHONE NUMBER: _____

MAILING OR EMAIL ADDRESS: _____

AGENCY* (if applicable): _____

COMMENTS (INCLUDE PRIOR COMPLAINTS, IF ANY):

RETURN FORM TO: (1) LA CITY ATTORNEY'S OFFICE, 200 N. Main St. Room 966, LA CA 90012, or
(2) Mail stop 140, or (3) fax 213-978-8717 or (4) Scan & email to Armida.Bayliff@LACITY.ORG

*PLEASE NOTE THAT PER SPECIAL ORDER 26, ALL REFERRALS FROM LAPD MUST BE ACCOMPANIED BY ANY AND ALL POLICE REPORTS DOCUMENTING THE NUISANCE ACTIVITY.

LOS ANGELES CITY ATTORNEY'S OFFICE
CITYWIDE NUISANCE ABATEMENT PROGRAM
PROPERTY REFERRAL FORM

DATE: 6/13/19 LAPD DIVISION: SOUTHEAST

PROPERTY ADDRESS: NJOY LIQUOR (10940 S. WILMINGTON)

PROPERTY DESCRIPTION: (check one)

- ☐ Single family dwelling ☐ Duplex/triplex ☐ Apartment building ☐ Commercial
☐ Motel/hotel ☐ Restaurant/bar ☒ Other: LIQUOR STORE

NUISANCE ACTIVITIES: (check all that apply)

- ☒ Narcotics ☐ Prostitution ☒ Gangs ☐ Vacant (open to unauthorized entry)
☐ Group Home ☐ Marijuana business ☒ General nuisance ☐ Graffiti

Please briefly describe nuisance and/or site conditions:

GAUGMEMBERS LOITERING IN FRONT OF BUSINESS AND IN ADJACENT PARKING LOT, OFTEN TIMES SMOKING MARIJUANA.

COMPLAINANT INFORMATION:

NAME: OFFICER A. LEYVA

PHONE NUMBER: [REDACTED]

MAILING OR EMAIL ADDRESS: 37247 @ lapd.online

AGENCY* (if applicable): LAPD / SOUTHEAST

PERSON SUBMITTING THIS FORM: (if different than complainant)

NAME: _____

PHONE NUMBER: _____

MAILING OR EMAIL ADDRESS: _____

AGENCY* (if applicable): _____

COMMENTS (INCLUDE PRIOR COMPLAINTS, IF ANY): _____

RETURN FORM TO: (1) LA CITY ATTORNEY'S OFFICE, 200 N. Main St. Room 966, LA CA 90012, or
(2) Mail stop 140, or (3) fax 213-978-8717 or (4) Scan & email to Armida.Bayliff@LACITY.ORG

*PLEASE NOTE THAT PER SPECIAL ORDER 26, ALL REFERRALS FROM LAPD MUST BE ACCOMPANIED BY ANY AND ALL POLICE REPORTS DOCUMENTING THE NUISANCE ACTIVITY.

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Nicole Deering
Sent: Mon 7/22/2019 6:32:59 PM
Subject: Fwd: 6401 S Vermont Ave ABATEMENT
[6401 S Vermont.docx](#)
[6401 S. Vermont - CFS Summary.pdf](#)
[6401 S. Vermont - Crime Summary.pdf](#)

Hello Armida,
Officer Bustamate completed a CNAP referral form for this location. It looks like he put together some stats as well.

Is there anything else you need from me to complete the referral?

Location:
6401 S Vermont Avenue

Regards,
Nicole Deering (310) 941-7898
Community Resource Specialist - South Bureau
Neighborhood Prosecutor Program
Safe Neighborhoods & Gangs Division
Office of the Los Angeles City Attorney
200 N. Main Street, 9th Floor
Los Angeles, CA 90012
Tel (213) 978-7878



----- Forwarded message -----

From: Juan Bustamante <39534@lapd.online>
Date: Sun, Jul 21, 2019 at 10:21 AM
Subject: 6401 S Vermont Ave ABATEMENT
To: Nicole Deering <nicole.deering@lacity.org>
Cc: Michael Pounds <33424@lapd.online>, Adam Moore <35380@lapd.online>

Hello Nicole,

I filled out and completed the abatement referral for the homicide location I spoke to you about. I attached the crime summary reports/calls for service report as well. I have advised the units/officers assigned to A45 to forward all stops and crime reports in that area and specific location to my desk/email. Thank you once again for all the help and look forward to eliminating any further crimes at this location.

Senior Lead Office (A45)
Officer Juan Bustamante #39534
7600 S. Broadway
Los Angeles, CA 90003
39534@lapd.online
(213)948-5215 - work cell
(323)786-5020 - office

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LOS ANGELES CITY ATTORNEY'S OFFICE
CITYWIDE NUISANCE ABATEMENT PROGRAM
PROPERTY REFERRAL FORM

DATE: 07/21/2019

LAPD DIVISION: 77TH STREET DIVISION

PROPERTY ADDRESS: 6401 S VERMONT AVE

PROPERTY DESCRIPTION: (check one)

☐ Single family dwelling ☐ Duplex/triplex ☐ Apartment building ☐ Commercial
☐ Motel/hotel ☐ Restaurant/bar ☒ Other:
BUSINESS

NUISANCE ACTIVITIES: (check all that apply)

☒ Narcotics ☐ Prostitution ☒ Gangs ☐ Vacant (open to unauthorized entry)
☐ Group Home ☐ Marijuana business ☐ General nuisance ☐ Graffiti

Please briefly describe nuisance and/or site conditions:

LOCATION IS A PROBLEMATIC AREA OVERRUN WITH GANG/NARCOTICS AND PROSTITUTION
ACTIVITY. ON 06/24/2019 A SHOOTING OCCURRED RESULTING IN A HOMICIDE.

COMPLAINANT INFORMATION:

NAME: OFFICER BUSTAMANTE
#39534

PHONE NUMBER: (323)786-5020

MAILING OR EMAIL ADDRESS:
39534@LAPD.ONLINE

AGENCY* (if applicable): LAPD/77TH STREET DIVISION

PERSON SUBMITTING THIS FORM: (if different than complainant)

NAME:

PHONE NUMBER:

MAILING OR EMAIL ADDRESS:

AGENCY* (if applicable):

COMMENTS (INCLUDE PRIOR COMPLAINTS, IF ANY):

I ATTACHED THE CRIME SUMMARY REPORTS AND CALLS FOR SERVICE REPORTS. I HAVE ADVISED
UNITS TO FORWARD ALL CRIME ACTIVITY TO MY DESK/EMAIL AND WILL PROVIDE

| INFORMATION | LATER | WHEN | NEEDED. |
|-------------|-------|------|---------|
|-------------|-------|------|---------|

RETURN FORM TO: (1) LA CITY ATTORNEY'S OFFICE, 200 N. Main St. Room 966, LA CA 90012, or
(2) Mail stop 140, or (3) fax 213-978-8717 or (4) Scan & email to Armida.Bayliff@LACITY.ORG

*PLEASE NOTE THAT PER SPECIAL ORDER 26, ALL REFERRALS FROM LAPD MUST BE ACCOMPANIED BY ANY AND ALL POLICE REPORTS DOCUMENTING THE NUISANCE ACTIVITY

Los Angeles Police Department
Crime Analysis Mapping System
Calls For Service Summary Report

| | CFS Info | CFS Location Info | Reporting Info | Business Info |
|---|--|--------------------------------|--|--------------------------|
| # | Incident # Date/Time Incident Type # / Code Incident Type Description | RD Address Priority | Last Name, First Name Telephone Comments | Business Name Address |
| 1 | 9175000378 06/24/2019 0155 245 / AF ADW/AMB E/R SHOTS FIRED | 1245 6401 S VERMONT AV 3 | FEMALE [REDACTED] ? | ? ? |

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 Note: A Question Mark (?) Indicates No Data Available
 Today's Date: Jul 17, 2019 1 of 1

**Los Angeles Police Department
Crime Analysis Mapping System
Crime Summary Report**

| Crime Info | | | Location / Victim Info | | Crime Info | Weapon Description / Vehicle / Suspect Info | |
|------------|-----------------------------|--|------------------------|---|---|---|--|
| # | Crime Type / Crime Class | DR # Basic Car / RD Start Date / Time End Date / Time Status Associated Bkg # | # | Location Premise V - Veh (Yr Mk Mod Sty Top Bot Lic St) POE Property Taken Last Name, First Name Sex Desc Hair Eyes Ht Wt Age | Narrative MO Codes | # | Weapon Description Sex Desc Hair Eyes Ht Wt Age Clothing Personal Descriptors S - Veh (Yr Mk Mod Sty Top Bot Lic St) |
| 1 | HOM / 110 | 191216749 A45 1245 06/24/2019 0152 06/24/2019 0152 IC ? | 1 | 6401 S VERMONT AV MINI-MART ???????? ? ? BOWMAN, MONTE M B ? ? 18 | DO-S1 ENTERED THE MARKET AND FIRED MULTIPLE GUNSHOTS STRICKING AND KILLING THE V.WHO WAS BEHIND THE COUNTER S2 STAYED OUTSIDE AS A LOOK OUT AND FIRED SHOO 0327 - Susp Used Lookout 0342 - Multi-Susps Overwhelm 0430 - Vict Shot 0906 - Crime Related To - Gangs 1100 - Shots Fired 1402 - Evidence Booked (Any crime) | 1 | REVOLVER M B ? ? 509/511 ? 20/29 ? ? ???????? 2: M B ? ? 509/511 ? 20/29 ? ? ???????? |
| 2 | AGG / 230 | 191216750 A45 1245 06/24/2019 0152 06/24/2019 0152 IC ? | 1 | 6401 S VERMONT AV MINI-MART ???????? ? ? WILLIAMS, SHATARA F B ? ? 31 | DO-S1 ENTERED THE MARKET AND FIRED MULTI GUNSHOTS AT 5 VICTIMS WHO WERE BEHIND THE COUNTER S2 STAYED OUTSIDE AS LOOKOUT AND FIRED MULTI ROUNDS ON SIDEWAL 0906 - Crime Related To - Gangs | 1 | REVOLVER M B ? ? 509/511 ? 20/29 ? ? ???????? 2: M B ? ? 509/511 ? 20/29 ? ? ???????? |

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Note: A Question Mark (?) Indicates No Data Available
Today's Date: Jul 17, 2019 1 of 2

**Los Angeles Police Department
Crime Analysis Mapping System
Crime Summary Report**

| Crime Info | | | Location / Victim Info | | Crime Info | Weapon Description / Vehicle / Suspect Info | |
|------------|-----------------------------|--|------------------------|---|--|---|--|
| # | Crime Type / Crime Class | DR # Basic Car / RD Start Date / Time End Date / Time Status Associated Bkg # | # | Location Premise V - Veh (Yr Mk Mod Sty Top Bot Lic St) POE Property Taken Last Name, First Name Sex Desc Hair Eyes Ht Wt Age | Narrative MO Codes | # | Weapon Description Sex Desc Hair Eyes Ht Wt Age Clothing Personal Descriptors S - Veh (Yr Mk Mod Sty Top Bot Lic St) |
| 3 | AGG / 230 | 191216751 A45 1245 06/24/2019 0152 06/24/2019 0152 IC ? | 1 | 6401 S VERMONT AV MINI-MART ???????? ? ? FRANKLIN, KENNETH M B ? ? 56 | DO-S1 ENTERED MARKET AND FIRED MULTI GUNSHOTS AT 5 VICTIMS WHO WERE BEHIND THE COUNTER S2 STAYED OUTSIDE AS LOOKOUT AND FIRED MULTI ROUNDS DOWN SIDEWALK 0216 - Susp Wore/Disguise - Hood/Hoodie 0327 - Susp Used Lookout 0342 - Multi-Susps Overwhelm 0906 - Crime Related To - Gangs | 1 | REVOLVER M B ? ? 509/511 ? 20/29 ? ? ???????? 2 |
| 4 | AGG / 230 | 191216753 A45 1245 06/24/2019 0152 06/24/2019 0152 IC ? | 1 | 6401 S VERMONT AV MINI-MART ???????? ? ? DINKINS, CHYERL F B ? ? 45 | DO-S1 ENTERED THE MARKET AND FIRED MULTI SHOTS AT 5 VICTIMS WHO WERE BEHIND THE COUNTER S2 STAYED OUTSIDE AS LOOKOUT AND FIRED MULTI SHOTS DOWN SIDEWALK 0216 - Susp Wore/Disguise - Hood/Hoodie 0327 - Susp Used Lookout 0342 - Multi-Susps Overwhelm 0906 - Crime Related To - Gangs | 1 | REVOLVER M B ? ? 509/511 ? 20/29 ? ? ???????? 2 |

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Note: A Question Mark (?) Indicates No Data Available
Today's Date: Jul 17, 2019 2 of 2

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Nicole Deering
Sent: Mon 6/17/2019 6:18:55 PM
Subject: CNAP Referral
805 W 57th Street Referral.docx

Hi Armida,

Please see the attached CNAP Referral form for 805 W 57th Street in 77th Division. Please let me know if you have any questions or if I need to provide any additional information.

Regards,

Nicole Deering (310) 941-7898
Community Resource Specialist - South Bureau
Neighborhood Prosecutor Program
Safe Neighborhoods & Gangs Division
Office of the Los Angeles City Attorney
200 N. Main Street, 9th Floor
Los Angeles, CA 90012
Tel (213) 978-7878



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LOS ANGELES CITY ATTORNEY'S OFFICE
CITYWIDE NUISANCE ABATEMENT PROGRAM
PROPERTY REFERRAL FORM

DATE: 6/17/2019

LAPD DIVISION: 77th

PROPERTY ADDRESS: 805 W.57th St.

PROPERTY DESCRIPTION: (check one)

- ☐ Single family dwelling ☐ Duplex/triplex ☐ Apartment building ☒ Commercial
☐ Motel/hotel ☐ Restaurant/bar ☐ Other: _____

NUISANCE ACTIVITIES: (check all that apply)

- ☒ Narcotics ☒ Prostitution ☐ Gangs ☐ Vacant (open to unauthorized entry)
☒ Group Home ☐ Marijuana business ☒ General nuisance ☐ Graffiti

Please briefly describe nuisance and/or site conditions:

Open to the public with possible prostitution, trespassing and narcotic use and people living illegally on site.

COMPLAINANT INFORMATION:

NAME: Officer Robert Canizalez

PHONE NUMBER: (323) 387-9612

MAILING OR EMAIL ADDRESS: 36005@lapd.online

AGENCY* (if applicable): _____

PERSON SUBMITTING THIS FORM: (if different than complainant)

NAME: Nicole Deering

PHONE NUMBER: [REDACTED]

MAILING OR EMAIL ADDRESS: nicole.deering@lacity.org

AGENCY* (if applicable): _____

COMMENTS (INCLUDE PRIOR COMPLAINTS, IF ANY:

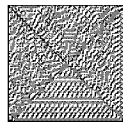
RETURN FORM TO: (1) LA CITY ATTORNEY'S OFFICE, 200 N. Main St. Room 966, LA CA 90012, or
(2) Mail stop 140, or (3) fax 213-978-8717 or (4) Scan & email to Armida.Bayliff@LACITY.ORG

*PLEASE NOTE THAT PER SPECIAL ORDER 26, ALL REFERRALS FROM LAPD MUST BE ACCOMPANIED BY ANY AND ALL POLICE REPORTS DOCUMENTING THE NUISANCE ACTIVITY

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 6/10/2019 6:43:45 PM
Subject: Fwd: test

Problem Property notice.
Thank you,

Ivor



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

1926 6th Avenue, Los Angeles, CA 90018

Describe Criminal Activity

There are gang/ drug activity happening in the abandoned cars on the property at night. There are three junk cars that are being used as places to sleep and store things. Also cause multiple person activity late at night.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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----- Forwarded message -----

From: **Ryan Whiteman** <34900@lapd.online>

Date: Wed, May 1, 2019 at 7:10 PM

Subject: Complaint Location

To: Adam Bierman <adam.bierman@lacity.org>

Cc: Rex Ingram <38094@lapd.online>, George Beshai <36300@lapd.online>, Kenneth Schmidt <32217@lapd.online>, Daniel Randolph <27634@lapd.online>

Adam,

I was advised last night by a community member that the following location is a community nuisance. The community detailed narcotics and prostitution activity associated with the location. Can you conduct a run on the address to see how much activity it has and see if it eligible for abatement.

Location: 240 West 71st Street LA CA 90003

Ryan

--

Adam Z. Bierman

Deputy City Attorney
Citywide Nuisance Abatement Program
Safe Neighborhoods Division
Office of the City Attorney
200 N. Main St., Rm. 966
Los Angeles, CA 90012
phone: 213.978.4098 fax: 213.978.8717
adam.bierman@lacity.org

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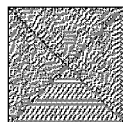
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 5/29/2019 6:41:41 PM
Subject: Fwd: test

problem property (following our announcement at the massage parlors in the Valley).
Thanks,

Ivor



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

15053 Ventura blvd, Sherman oaks

Describe Criminal Activity

My husband was approached for getting sexual services by the employee there ! He was getting a massage by a man he fell asleep and when he woke up there was a woman there saying if he needed more and touching his genitals and saying he can get a massage there too. So beyond disturbing!

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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To: Ivor Pine[ivor.pine@lacity.org]
Cc: Armida Bayliff[armida.bayliff@lacity.org]
From: Mehrnoosh Naderi
Sent: Tue 4/9/2019 8:58:01 PM
Subject: Re: New message via your website, from tinamara@gmail.com

Thank you Ivor!
Nooshi

On Tue, Apr 9, 2019 at 12:09 PM Ivor Pine <ivor.pine@lacity.org> wrote:

Good afternoon,
Passing on a constituent complaint. Thanks

Message Details:

NAME:: [REDACTED]

EMAIL:: [REDACTED]

NEIGHBORHOOD:: Mid-City Heights

HOW CAN WE HELP?: Abandoned Building Abatement - there is a boarded up home at 2310 Vineyard Ave. How do we get the owners to fix or sell? Thanks!

To edit your email settings, go to your Inbox on desktop.

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--
Mehrnoosh Zahiri Naderi
Deputy City Attorney
Wilshire Neighborhood Prosecutor
Office of the Los Angeles City Attorney
213.978.2220 - Main Number
213.978.8037 - Fax

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To: Forman-Echols, Liora[liora.forman-echols@lacity.org]; Cristall, Jonathan[jonathan.cristall@lacity.org]
Cc: Aguillon, Maria[maria.aguillon@lacity.org]
From: Armida Bayliff
Sent: Thur 7/11/2019 10:14:27 PM
Subject: CNAP filed cases - DCA Aguillon's Information
[DCAAguillonChart.pdf](#)
[Conformed Copy re Complaint re BC 501424 \(1\).pdf](#)
[MSC Brief final \(1\).doc](#)
[Summons and Complaint re BC 514269, People v. Elad 26 Towers, et al. \(1\).pdf](#)
[Complaint FINAL \(1\).doc](#)
[Answer to Plaintiffs Complaint \(1\).pdf](#)
[Complaint \(1\).pdf](#)
[Complaint for Abatement and Injunction \(1\).pdf](#)
[Complaint Filed 052512 \(1\).pdf](#)

Hello Liora and Jonathan.

Maria provided the attached chart created approximately 4 years ago (around 2015)

She went back into her files to find other case names...

She sent me the attached pdf copies of the complaints, except in a couple of cases where she couldn't find them. She also included another document that gave additional info so that we can track it down if we need to.

| | | |
|--|--|---|
| Peo. v. Rodriguez 306-308 S. Bonnie Brae St. Los Angeles, CA 90057 | BC724365 | Judge Elizabeth Feffer, Dept. 39, Rm 415 (213) 633-0159 |
| Peo. v. Tuggle 725 S. Westlake Ave. Los Angeles, CA 90057 | BC671451 Erik Velle 213-422-5061 | Judge Ernest M. Hiroshige Dept. 54 213-633-0654 |
| Peo. v. Griffith 900 E. 24 th Los Angeles, CA 90011 | BC654008 BP145660 | Judge Michelle Williams Court Dept. 74 213-830-0774 |
| Peo. v. Huang Multi-properties | BC606675 BA435435 | Judge Daniel Murphy Dept. 32 Schantiff (clerk?) 213-633-0152 |
| Peo. v. Chon 2502 W. 3 rd | BC586731 | Judge Mark Mooney Dept. 68 213-633-1068 |
| Peo. v. Lopez 736 E. 24 th | BC555942 | Judge Bowick Dept. 19 213-633-0519 |
| Peo. v. Sue Lee 2551 W. Beverly Blvd. | BC599520 | Judge Dalila Corral Lyons Dept. 20 213-633-0520 |
| Peo. v. Khachatourian 6025 N. Figueroa | BC614366 | Judge Susan Bryant Deason Dept. 52 Francis/Tony 213-633-0652 |
| MSC Dept. | | Dept. 18 Sylvia 213-633-0518 Dept. 21/23 Rosalie Luna 213-633-0523 |

1 CARMEN A. TRUTANICH, City Attorney
2 ASHA GREENBERG, Managing Assistant City Attorney, SBN 107375
3 ANH TRUONG, Assistant Supervising Deputy City Attorney, SBN 210
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6 Los Angeles, California 90012
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9 Email: maria.aguillon@lacity.org

NO FEE - GOVT CODE §6103

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Los Angeles Superior Court

FEB 20 2013

John A. Clarke, Executive Officer/Clerk
By Amber Hayes, Deputy

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. Carmen A. Trutanich,
Los Angeles City Attorney

Plaintiff,

vs.

HENRY STEVEN BOORSTIN, an
Individual; WILLIAM MOOR BOORSTIN, an
Individual; and DOES 1 through 50,
inclusive,

Defendants.

Case No.

BC501424

COMPLAINT TO ABATE, PREVENT,
AND ENJOIN A NUISANCE UNDER
HEALTH AND SAFETY CODE
SECTION 11570, ET SEQ.; PUBLIC
NUISANCE UNDER CIVIL CODE
SECTION 3479, ET SEQ.; AND FOR
VIOLATIONS OF BUSINESS &
PROFESSIONS CODE SECTION
17200, ET SEQ.

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, allege as follows,
which allegations are on information and belief as to the Defendants:

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///

///

INTRODUCTION

1. This action is brought and prosecuted by the People of the State of California ("People") for the purpose of enjoining, abating and preventing a nuisance as defined in Health and Safety Code section 11570, et seq. (the "Narcotics Abatement Law") and Civil Code section 3479, et seq. which exists on the premises located at 230 West 23rd Street, Los Angeles California 90007 (the "Property"). A business functioning as an apartment building or long term residential hotel, commonly known as the "Donna Apartments" (referred to as the "Apartments" or "Business"), is located on the Property. HENRY STEVEN BOORSTIN, an Individual, WILLIAM MOOR BOORSTIN, an Individual, and DOES 1 through 50, (collectively "Defendants") own and operate the Business and are also the owners of the Property. The People also seek to enjoin Defendants' violations of the Unfair Competition Law (Business and Profession Code section 17200, et seq.) through this action. The People assert their power to remedy these injuries to the public interest by seeking to enjoin Defendants' future violations of law and to assess civil penalties against Defendants for past violations of law under these provisions.

GENERAL ALLEGATIONS

The Parties

2. Plaintiff, the People of the State of California, acting through the Los Angeles City Attorney, Carmen Trutanich, brings its first cause of action pursuant to the authority granted by Health and Safety Code section 11570, et seq.; brings its second cause of action pursuant to the authority granted by Civil Code section 3479, et seq.; and brings its third cause of action pursuant to the authority granted by Business and Professions Code section 17200, et seq.

3. At all relevant times, Defendants were and are the owners of the Property and at all times mentioned herein have acted in such a capacity.

4. At least as of August 2011, a business known as the Donna Apartments or St. Regis Hotel has been operating at the Property.

5. At all relevant times, Defendants been the owners and operators of the Business on the Property, and at all relevant times mentioned herein have acted in such a capacity.

6. Plaintiff is ignorant of the true names and capacities of Defendant DOES 1 through 50, inclusive, and as such, sues these defendants by such fictitious names pursuant to Section 474 of the California Code of Civil Procedure. Each such defendant is responsible in some manner for conducting, maintaining, or directly or indirectly permitting the unlawful activity complained of herein. When the true names and capacities of said defendants have been ascertained, Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of such fictitious names the true names and capacities of any fictitiously named defendants.

7. At all relevant times mentioned herein, all defendants were and are agents, lessors, lessees, servants, employees, partners and/or joint venturers of each other defendant, and at all times were acting within the course and scope of said relationship and with the consent of each of their co-defendants.

8. At all times mentioned herein, the City of Los Angeles, was and still is a municipal corporation with a population in excess of 750,000 people, organized and existing under the laws of the State of California for purposes of standing under Business and Professions Code section 17204.

The Property

9. The Property, a three story multi-unit apartment building with approximately seventy units, is located at 230 West 23rd Street, Los Angeles California 90007 with the legal description of: Lot 23 of the Grover Orchard Track as per-map recorded in Book 5 Page 452 of Miscellaneous Records in the Office of the County Recorder of said County, together with all of Grantors' right, title and interest in and to that certain oil and gas lease dated May 20, 1958, executed by Vera Haron and Julius Mackson, Attorney-in-Fact [sic], Lessor, and Standard Oil Company of California, a

///

1 corporation, Lessee, recorded July 18, 1961, in Book M-810 Page 255, Official Records,
2 insofar as said lease affects said real property. Lot 23 of Grover Orchard Tract.
3 Assessors Parcel Number: 5126-021-015.

4 Jurisdiction and Venue

5 10. Each of the business acts and practices alleged herein were performed
6 by Defendants, in whole or in part, in the City of Los Angeles.

7 11. The Property that is the subject of this action is located in the City of
8 Los Angeles.

9 Narcotics and Nuisance Activity At The Property

10 12. Since at least August 2011, the Property has been used for the
11 purpose of unlawful sales of controlled substances, namely cocaine, methamphetamine
12 and marijuana. Since at least August 2011, Los Angeles Police Department ("LAPD")
13 officers have made several arrests for narcotics related activity at the Property. In
14 addition, between August 2011, and the present, LAPD officers and/or their confidential
15 informants, have repeatedly purchased narcotics at the Property.

16 13. Since at least August 2011, the Property has been a public nuisance
17 involving narcotic sales, assaults with deadly weapons, robberies, burglaries and even a
18 drive by shooting. In addition, from at least August 2011, to the present, LAPD has
19 responded to numerous of calls for service at the Property that include, but are not
20 limited to assaults, fights, robberies, and narcotics.

21 OVERVIEW OF APPLICABLE LAW

22 Narcotics Abatement Law

23 14. The abatement of a nuisance is a long established and well-recognized
24 exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775;
25 *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its
26 enactment in 1972, the principal purpose of the Narcotics Abatement Act (Health &
27 Safety Code, § 11570, et seq.) is the abatement of buildings and places "used for the

28 ///

1 purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away
2 any controlled substance, precursor, or analog specified in this division" (Health &
3 Safety Code, § 11570).

4 15. The Narcotics Abatement Law provides that every building or place
5 used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or
6 giving away any controlled substance, precursor, or analog inter alia, "is a nuisance
7 which shall be enjoined, abated, and prevented . . . whether it is a public or private
8 nuisance." (Health & Safety Code, § 11570 [emphasis added].)

9 16. Health and Safety Code section 11571, authorizes a city attorney to
10 bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in
11 relevant part: "Whenever there is reason to believe that a nuisance as described in
12 Section 11570, is kept, maintained, or exists in any county, the district attorney of the
13 county, or the city attorney of any incorporated city or of any city and county, in the
14 name of the people, may . . . maintain an action to abate and prevent the nuisance and
15 perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or
16 agent of the building or place in or upon which the nuisance exists from directly or
17 indirectly maintaining or permitting the nuisance."

18 17. Health and Safety Code section 11573(a) provides that: "If the
19 existence of the nuisance is shown in the action to the satisfaction of the court or judge,
20 either by verified complaint or affidavit, the court or judge shall allow a temporary
21 restraining order or injunction to abate and prevent the continuance or recurrence of the
22 nuisance." (Emphasis added.) In addition, Health and Safety Code section 11581
23 provides, as an additional remedy, for the removal and sale of all fixtures and movable
24 property on the premises used in aiding or abetting the nuisance and for the closure of
25 the building for up to one year.

26 ///

27 ///

28 ///

Public Nuisance Law

18. Civil Code section 3479 provides:

Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . . is a nuisance.

19. Civil Code section 3480, defines a public nuisance as "... one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

20. "A civil action may be brought in the name of the People of the State of California to abate a public nuisance, as defined in section 3480, of the Civil Code, by the city attorney of any town or city in which such nuisance exists." (Code Civ. Proc., § 731.)

21. Civil Code section 3491 provides for the methods by which a public nuisance such as the nuisance alleged herein may be abated. Civil Code section 3491 states, in pertinent part, that the "remedies against a public nuisance are indictment or information, a civil action or abatement."

The Unfair Competition Law

22. The practices prohibited by Business and Professions Code section 17200, are "any practices forbidden by law, be it civil or criminal, federal, state, or municipal, statutory, regulatory, or court-made. It is not necessary that the predicate law provide for private civil enforcement. As the California Supreme Court put it, Business and Professions Code section 17200, borrows violations of other laws and treats them as unlawful practices independently actionable under Business and Professions Code section 17200, et seq. (South Bay Chevrolet v. General Motors Acceptance Corp. (1999) 72 Cal. App. 4th 861, 880 (internal citations and quotation marks omitted).)

III

23. Thus, unlawful business practices also include, but are not limited to, violations of Health and Safety Code section 11570, et seq. (Narcotics Abatement Law) and Civil Code section 3479, et seq., (public nuisance).

FIRST CAUSE OF ACTION

FOR VIOLATIONS OF THE NARCOTICS ABATEMENT LAW

(Health and Safety Code, § 11570, et seq.)

[Against All Defendants and

DOES 1 through 50]

24. Plaintiff hereby incorporates by reference paragraphs 1 through 23 of this Complaint and makes them part of this First Cause of Action, as if fully set forth herein.

25. The Property was, and is, being used, from an exact date unknown, but at least since August 2011, for the purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away controlled substances and is a building or place wherein or upon which those acts take place.

26. From an exact date unknown, but at least since August 2011, Defendants, and DOES 1 through 50 ("Defendants") have maintained the Property for the purpose of unlawfully selling, storing, distributing and giving away of a controlled substance, to wit, cocaine, methamphetamine and marijuana. Defendants knew of the narcotics activity at the Property and did nothing to abate it, allowing the unlawful activity to continue.

27. Plaintiff has no adequate remedy at law, and unless Defendants are restrained and enjoined by order of this Court, they will continue to use, occupy, maintain, and permit the Property, together with the fixtures and appurtenances located therein, for the purpose of selling, storing, distributing or giving away a controlled substance, to wit, cocaine, methamphetamine and marijuana, and they will continue to allow, permit and encourage this nuisance on the premises, to the irreparable damage of the public.

SECOND CAUSE OF ACTION
FOR VIOLATIONS OF THE PUBLIC NUISANCE LAW

(Civ. Code, § 3479 et seq.)

[Against All Defendants and

DOES 1 through 50]

28. Plaintiff hereby incorporates by reference paragraphs 1 through 27 of this Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

29. On a continuous and ongoing basis, from an exact date unknown, but since at least August 2011, until the present time, Defendants and Does 1-50 ("Defendants") have operated, occupied, used and/or permitted to be occupied and used the Property in such a manner as to constitute a public nuisance in violation of Civil Code sections 3470 and 3480. Said public nuisance, described herein is injurious to health, indecent or offensive to the senses and/or an obstruction to the free use of the property, so as to substantially and unreasonably interfere with the comfortable enjoyment of life or property of persons residing on the property and/or persons living in the surrounding community. Defendants allow residents of the Property or others to unlawfully sell, serve, store, keep, manufacture or give away controlled substances at the Property. Additionally, the documented nuisance activity at the Property includes a recent drive-by shooting, several assaults, including assaults with a deadly weapon, various robberies and numerous calls for service to the LAPD, often without an arrest or crime report being generated.

30. Since at least August 2011, the Property has been a public nuisance involving assaults with deadly weapons, robberies, burglaries, a drive by shooting, and numerous calls for service to LAPD. Defendants have failed to abate the public nuisance.

31. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the

conditions described herein. Unless Defendants are restrained and enjoined by order of this Court, they will continue to use, occupy, maintain, and/or aid and abet the use, occupation and maintenance of the Property for the purpose complained of herein, to the great, irreparable damage of Plaintiff, to the City of Los Angeles, the local community near the Property, and in violation of California law.

THIRD CAUSE OF ACTION

FOR VIOLATIONS OF THE UNFAIR COMPETITION LAW

(Bus & Profs. Code, § 17200 et seq.)

[Against All Defendants and

DOES 1 through 50]

32. Plaintiff incorporates herein by reference paragraphs 1 through 31 of this Complaint, as though fully set forth herein.

33. The practices prohibited by Business and Professions Code section 17200 are "any practices forbidden by law, be it civil or criminal, federal, state, or municipal, statutory, regulatory, or court-made. It is not necessary that the predicate law provide for private civil enforcement. As the California Supreme Court put it, section 17200, "borrows" violations of other laws and treats them as unlawful practices independently actionable under section 17200, et seq." (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal. App. 4th 861, 880 (internal citations and quotation marks omitted).)

34. The City of Los Angeles has a population in excess of 750,000 and the City Attorney for the City of Los Angeles brings the second cause of action alleged herein on behalf of the People, pursuant to Business and Professions Code section 17204, which provides that an action under Chapter 5 of Division 7 of the Business and Professions Code may be brought in the name of the People of the State of California by any city attorney of a city, or city and county, having a population in excess of 750,000.

///

1 35. On a continuous and ongoing basis, from an exact date unknown, but
2 at least August 2011, Defendants have engaged in unlawful and unfair business acts
3 and practices, within the meaning of and in violation of California Business and
4 Professions Code section 17200, et seq., with respect to the Property.

5 36. Since at least August 2011, Defendants as owners, lessors, lessees,
6 operators, or managers of the Property, have been directly or indirectly, maintaining
7 and/or permitting the use of the Property for the purposes of unlawfully selling, serving,
8 storing, keeping, manufacturing, and/or giving away controlled substances in violation of
9 Health and Safety Code section 11570, et seq.

10 37. Since at least August 2011, Defendants as owners, lessors, lessees,
11 operators, or managers of Property, have violated the Public Nuisance Law (Civil Code
12 section 3479, et seq.), by owning, operating, maintaining, and managing the Property as
13 a public nuisance wherein narcotics activity and violence, including assaults with deadly
14 weapons, robberies, and a drive by shooting occur at the Property.

15 38. Within the four years preceding the filing of this Complaint, Defendants
16 further violated Business and Professions Code section 17200, et seq., by engaging in
17 unlawful and unfair business acts and practices in that:

18 A. Defendants unfairly and unlawfully detract from the quality of life of
19 the neighbors of the Property.

20 B. Defendants unfairly and unlawfully contribute to the crime and
21 disorderly conduct within the City of Los Angeles, and are unjustly enriched to the
22 extent that Defendants fail to pay the costs of complying with their obligations to
23 maintain the Property free of nuisance activity.

24 39. These unlawful and unfair business acts and practices, as alleged
25 herein, place Defendants at an unfair advantage with respect to their competitors who
26 do follow the law.

27 40. Defendants' acts of unfair competition present a continuing threat to
28 the public welfare. Plaintiff has no adequate remedy at law. Unless Defendants are

1 enjoined and restrained by order of this Court, they will continue to engage in the
2 unlawful and unfair business acts and practices alleged herein, causing irreparable
3 injury and harm to the public's welfare.

4 **PRAYER**

5 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE
6 AND DECREE AS FOLLOWS:

7 **AS TO THE FIRST CAUSE OF ACTION:**

8
9 1. That Defendants, including DOES 1 through 50 ("Defendants"), and the
10 Property, including all buildings and structures thereon, be declared in violation of
11 Health and Safety Code section 11570, et seq.

12 2. That the Property, together with the fixtures and moveable property
13 therein and thereon, constitutes a nuisance and that the Property be permanently
14 abated as such in accordance with Section 11581, of the California Health and Safety
15 Code.

16 3. That the Court grant a temporary restraining order, preliminary injunction,
17 permanent injunction and order of abatement in accordance with Section 11570, et seq.,
18 of the Health and Safety Code, enjoining and restraining all Defendants, and their
19 agents, servants, employees, partners, principals, assigns, and all those acting in
20 concert with, aiding and abetting, and/or participating with them from unlawfully selling,
21 serving, storing, keeping, manufacturing, or giving away controlled substances,
22 including marijuana on the Property.

23 4. That the Court issue such orders in accordance with Health and Safety
24 Code section 11573.5 and such orders as are appropriate, to remedy the nuisance on
25 the Property and enhance the abatement process.

26 5. That an Order of Abatement be issued.

27 6. That Defendants HENRY STEVEN BOORSTIN and WILLIAM MOOR
28 BOORSTIN be ordered to hire and maintain a reputable, established and qualified

1 property management company ("PMC") to assist Defendants with the day-to-day
2 management of the Property. That it be ordered that the PMC has: (1) at least three
3 years experience managing properties in high-crime/high-narcotics neighborhoods; and,
4 (2) at least three years experience managing large apartment properties. That it be
5 ordered that the PMC assign one full-time on-site manager to manage the Property and
6 that any manager must be screened prior to hiring and have at least three years
7 experience managing apartments and at least three years experience managing
8 properties in high-crime high-narcotics neighborhoods.

9 7. That Defendants HENRY STEVEN BOORSTIN and WILLIAM MOOR
10 BOORSTIN be ordered to reside in the Property until the nuisance is abated.

11 8. That Defendants HENRY STEVEN BOORSTIN and WILLIAM MOOR
12 BOORSTIN employ two state licensed security guards, in compliance with California
13 Business and Professions Code section 7582.26(f), to be on duty on the Property,
14 twenty-four hours per day, seven days per week.

15 9. That Defendants HENRY STEVEN BOORSTIN and WILLIAM MOOR
16 BOORSTIN commence and diligently pursue unlawful detainer actions of any and all
17 individuals residing at the Property who are arrested for narcotics activity at the Property
18 or within 1000 feet of the Property.

19 10. That the Property be closed for a period of one year, not to be used for
20 any purpose, and be under the control and custody of this Court for said period of time
21 in accordance with Health and Safety Code section 11581, subdivision (c)(1).

22 11. That each Defendant be assessed a civil penalty in an amount not to
23 exceed Twenty Five Thousand Dollars (\$25,000.00).

24 12. That all fixtures and moveable property used in conducting, maintaining,
25 aiding or abetting the nuisance at the Property be removed by the LAPD and sold in the
26 manner provided for the sale of chattels under execution. Said fixtures and property
27 shall be inventoried and a list prepared and filed with this Court.

28 III

1 13. That there shall be excepted from said sale, such property to which title is
2 established in some third party not a defendant, nor agent, officer, employee or servant
3 of any defendant in this proceeding.

4 14. That the proceeds from said sale be deposited with this Court for payment
5 of the fees and costs of sale. Such costs may occur in closing said Property and
6 keeping it closed, removal of said property, and the People's costs in the action,
7 including attorneys' fees and such other costs as the Court shall deem proper.

8 15. That if the proceeds of the sale do not fully discharge all such costs, fees
9 and allowances, the Property shall also be sold under execution issued upon the order
10 of the Court or judge and the proceeds of such sale shall be applied in a like manner.
11 That any excess monies remaining after payment of approved costs shall be delivered
12 to the owner of said Property. Ownership shall be established to the satisfaction of this
13 Court.

14 16. That the recordation of any judgment in this action constitute a lien prior to
15 any pre-existing liens held by Defendants in connection with the Property.

16 17. That Defendants, their agents, servants, employees, partners, principals,
17 assigns, and all those acting in concert with, aiding and abetting, and/or participating
18 with them be perpetually enjoined from transferring, conveying, or encumbering any
19 portion of the Property for consideration or otherwise, without first obtaining the Court's
20 prior approval.

21 18. That Defendants, their agents, servants, employees, partners, principals,
22 assigns, and all those acting in concert with, aiding and abetting, and/or participating
23 with them be ordered to immediately notify any transferees, purchasers, commercial
24 lessees, or other successors in interest to the subject Property of the existence and
25 application of any temporary restraining order, preliminary injunction, or permanent
26 injunction to all prospective transferees, purchasers, commercial lessees, or other
27 successors in interest, before entering into any agreement to sell, lease or transfer the

28 ///

1 Property, for consideration or otherwise, all or any portion of the Property that is the
2 subject of this action.

3 19. That Defendants, their agents, servants, employees, partners, principals,
4 assigns, and all those acting in concert with, aiding and abetting, and/or participating
5 with them be ordered to immediately give a complete, legible copy of any temporary
6 restraining order, preliminary injunction, or permanent injunction to all prospective
7 transferees, purchasers, commercial lessees, or other successors in interest, before
8 entering into any agreement to sell, lease or transfer the Property, for consideration or
9 otherwise, all or any portion of the Property that is the subject of this action.

10 20. That Defendants, their agents, servants, employees, partners, principals,
11 assigns, and all those acting in concert with, aiding and abetting, and/or participating
12 with them be ordered to immediately request and procure signatures from all
13 prospective transferees, purchasers, or other successors in interest to the subject
14 Property, which acknowledges his/her respective receipt of a complete, legible copy of
15 any temporary restraining order, preliminary and permanent injunction, and deliver a
16 copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o Maria
17 Aguillon or her designee.

18 21. That Plaintiff recover the costs of this action, including law enforcement
19 investigative costs and any fees, including attorneys' fees, authorized by law from all
20 Defendants in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00).

21 22. That the People recover the amount of the filing fees and the amount of
22 the fee for the service of process or notices which would have been paid but for
23 Government Code section 6103.5, designating it as such. The fees may, at the Court's
24 discretion, include the amount of the fees for certifying and preparing transcripts.

25 23. That the People be granted such other and further relief as the Court
26 deems just and proper.

27 ///

28 ///

1 **AS TO THE SECOND CAUSE OF ACTION:**

2 24. That the Property, together with the fixtures and moveable property
3 therein and thereon, be declared a public nuisance and be permanently abated as such
4 in accordance with Civil Code section 3491.

5 25. That Defendants, and their agents, officers, employees and anyone acting
6 on their behalf, and their heirs and assignees, be perpetually enjoined from operating,
7 conducting, using, occupying, or in any way permitting the use of the Property as a
8 public nuisance. Such orders should include, but not be limited to, physical and
9 managerial improvements to the Property, and such other orders as are appropriate to
10 remedy the nuisance on the Property and enhance the abatement process.

11 26. That the Court grant a temporary restraining order, preliminary injunction,
12 permanent injunction and order of abatement in accordance with California Civil Code
13 section 3479, et seq., enjoining and restraining Defendants and their agents, officers,
14 employees and anyone acting on their behalf, from unlawfully selling, serving, storing,
15 keeping, manufacturing, or giving away controlled substances on the Property.

16 27. That Plaintiff be granted such other and further relief as the Court deems
17 just and proper, including closure of the Property.

18 28. That Plaintiff recovers the amount of the filing fees and the amount of the
19 fee for the service of process or notices which would have been paid but for
20 Government Code section 6103.5, designating it as such not to exceed \$500,000.00.
21 The fees may, at the Court's discretion, include the amount of the fees for certifying and
22 preparing transcripts.

23
24 **AS TO THE THIRD CAUSE OF ACTION:**

25 29. That Defendants and their agents, officers, employees and anyone acting
26 on their behalf be declared in violation of Business and Professions Code section
27 17200, et seq.

28 ///

1 30. That Defendants and their agents, officers, employees and anyone acting
2 on their behalf be permanently enjoined from maintaining, operating, or permitting any
3 act or unfair or unlawful competition in violation of Business and Professions Code
4 sections 17200, et seq.

5 31. That the Court grant a preliminary and permanent injunction against
6 Defendants and their agents, officers, employees and anyone acting on his behalf
7 abating the continuation of the unfair or unlawful competition as herein described on the
8 Property and ordering that the conditions and activities, as herein described, be
9 corrected and eliminated from the Property.

10 32. That pursuant to Business and Professions Code sections 17200, et seq.,
11 Defendants and their agents, officers, employees and anyone acting on his behalf be
12 assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00), for each
13 and every act of unfair and unlawful competition, including and not limited to violations
14 of section 11570, et seq., of the Health and Safety Code, the Narcotics Abatement Act.

15 **ON ALL CAUSES OF ACTION:**

16
17 33. That Plaintiff be granted such other and further relief as the Court deems
18 just and proper.

19 DATED: February 20, 2013

Respectfully submitted,

20
21 CARMEN A. TRUTANICH, City Attorney
22 ASHA GREENBERG, Managing Assistant City Attorney
23 ANH TRUONG, Asst. Superv. Deputy City Attorney

24 By: 

25 MARIA AGUILON, Deputy City Attorney
26 Attorneys for Plaintiff, THE PEOPLE OF THE
27 STATE OF CALIFORNIA
28

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Attorneys for Plaintiff

NO FEE – GOV'T CODE §6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
vs.

JOSE MENDOZA BARRAGAN, also known as
JOSE MARIA BARRAGAN, an individual and doing
business as "El Felix Bar"; JOSEFINA MENDOZA
also known as JOSEFINA VILLALOBOS, also
known as JOSEFINA MENDOZA BARRAGAN,
also known as "MARTHA", an individual;
NORBERTO PRECIADO VILLASENOR, an
individual; EFRAIN CRUZ, an individual, TOMAS A.
GUTIERREZ, also known as THOMAS AQUILIO
ALFARO GUTIERREZ, an individual; IRMA
LOGAN GUTIERREZ, also known as IRMA
GLADIS LOGANGUTIERREZ, also known as
IRMA GLADIS LOGAN, an individual, and DOES 1
through 50, inclusive,
Defendants.

Case No.: BC 421494

**PLAINTIFF'S MANDATORY
SETTLEMENT CONFERENCE
STATEMENT**

[For Settlement Purposes Only; Non-
Admissible and Privileged under
California Evidence Code section 1102]

The Hon. Rita Miler
Assigned to Dept. 16, Room 306
Complaint filed: September 10, 2009

DATE: August 30, 2010
TIME: 8:45 a.m.
LOCATION: Dept. 21
MSC JUDGE: Hon. Edward A. Ferns

TRIAL DATE: September 13, 2010
TIME: 9:30 a.m.
DEPT.: 16

COMES NOW Plaintiff, the People of the State of California, who submit the following
Mandatory Settlement Conference Statement:

1. **INTRODUCTION OF PARTIES**

Plaintiff, the People of the State of California, ("Plaintiff") represented by Deputy City Attorney ("DCA"), Maria G. Aguillon.

Defendants Thomas A. Gutierrez and Irma Logan Gutierrez ("Property Owner Defendants") represented by Mayda Flores-Medrano.

Defendants Jose Mendoza Barragan, Josefina Mendoza, and Norberto Preciado Villasenor, represented by Adrian M. Baca (collectively "Bar Defendants").

2. **INTRODUCTION AND STATEMENT OF THE CASE**

On September 10, 2009, Plaintiff, the People of the State of California, ("Plaintiff") brought this action for abatement of narcotics nuisance activity occurring at a bar in South Los Angeles.

Plaintiff filed the present unfair business practices and narcotics nuisance abatement action relating to a bar, commonly known as "El Felix Bar" ("Bar") located at 653 West Florence Avenue, in Los Angeles, California. Plaintiff sued the Property Owner Defendants, who own the property where the Bar is located, and the Bar Defendants and Defendant Efrain Cruz, the owners and/or operators of the Bar.¹ Plaintiff sued Defendants based on their long-time maintenance of illegal and nuisance activity at the Bar. Plaintiff seeks injunctive relief and civil penalties against these Defendants based on their violations of Health and Safety Code section 11570, et seq. ("the Narcotics Abatement Law") and Business and Professions Code section 17200, et seq.

The First Cause of Action against all Defendants is for unfair business practices, based on unfair and unlawful activity, stemming from the mismanagement of the Property and the Bar, which resulted in a pattern and practice of illegal nuisance activity at the Bar, including the following:

- the sale of illegal narcotics at the Bar (Health & Saf. Code § 11570, et seq.);

¹ Plaintiff previously reached a settlement agreement with Defendant Efrain Cruz and he is not a party to the present Mandatory Settlement Conference.

- 1 • the illegal sale of firearms (18 U.S.C. § 922);
- 2 • the purchase of stolen alcohol (Pen. Code §§ 496, 664)
- 3 • the purchase of alcohol from an unlicensed dealer (Bus. & Prof. Code § 23402);
- 4 • the purchase of untaxed cigarettes (26 U.S.C. § 5751(a)(1)(A))
- 5 • the sale of tobacco products without a license (L.A.M.C. § 46.91);
- 6 • the illegal sale of alcohol (Bus. & Prof. Code § 25657 and Pen. Code § 303(a);
- 7 • illegal adult entertainment (Pen. Code § 647(a); and
- 8 • Dancing without a permit (L.A.M.C. § 103.106).

9 More specifically, for example, on April 17, 2008, ATF and LAPD officers, acting in an
10 undercover capacity, went to the Bar. The officers arrived at the Bar spoke with four
11 individuals including, the security guard at the Bar and Defendant Josefina Mendoza. An
12 undercover ATF agent and LAPD Officer explained to Defendant Josefina Barragan that they
13 had beer for sale that had been stolen from a beer distributor. The officers also told Defendant
14 Josefina Barragan that they had unstamped/untaxed cigarettes for sale. Defendant Josefina
15 Barragan told the ATF agent and LAPD officer that she wanted to purchase Corona and
16 Heineken. The law enforcement officers told Defendant Josefina Mendoza that they were out
17 of Corona, but could get more if she wanted it. Defendant Josefina Mendoza then purchased
18 three cases of Bud Light beer for \$13 each (in violation of Penal Code sections 496 and 664
19 (attempt to receive stolen property) and Business and Professions Code section 23402
20 (purchase of alcohol from unlicensed dealer)) and two cartons of unstamped Marlboro Full
21 Flavor cigarettes for \$20 each (in violation of 26 U.S.C. section 5751(a)(1)(A) (illegal purchase
22 of untaxed cigarettes)). The ATF agent and LAPD officer left, but returned to the Bar
23 approximately an hour later with ten (10) cases of Corona beer. Defendant Josefina Mendoza
24 then purchased the ten (10) cases of Corona beer for \$200 (violating Penal Code sections 496
25 and 664 (attempt to receive stolen property) and Business and Professions Code section
26 23402 (purchase of alcohol from unlicensed dealer)).

27 On October 24, 2008, an undercover ATF agent and LAPD officers arrived at the Bar
28 where they saw Defendant Norberto Preciado Villasenor, Josefina Mendoza and a Bar security

1 guard (Lester) standing outside the Bar, by the front entrance. The ATF agent told Defendant
2 Preciado that he had ten (10) cases of beer for sale and Defendant Preciado stated that they
3 would take the cases. Defendant Preciado then left and returned with a metal dolly. The ATF
4 agent removed the ten (10) case of beer from the rear of his undercover vehicle and placed
5 them on the sidewalk outside the bar and Defendant Preciado and a Bar security guard
6 (Lester) carried the cases of beer inside the Bar. The ATF agent and LAPD officers then
7 entered the Bar and met with Defendant Josefina Mendoza who was behind the bar area and
8 she paid the AFT agent \$200 for the ten (10) cases of beer.

9 The ATF agent and LAPD officer than sat down at a table inside the Bar where they
10 observed several males and females dancing and patrons playing pool on two pool tables.
11 The Bar has a pool license and a live entertainment permit, but it does not have a dance hall
12 permit as required under Los Angeles Municipal Code section 103.106 for a location that
13 allows dancing. The ATF agent and LAPD officer also observed that several females at the
14 Bar appeared to be on some type of "rotation." More specifically, several females sat on bar
15 stools and whenever a male walked into the bar, the female closest to the door would stand up
16 and approach the male. The remaining females would then rotate on the bar stools. When the
17 next male entered the Bar, the next female sitting closest to the door would stand up from the
18 bar stool and approach the next male. The females continued in this manner whenever a male
19 entered the Bar. In general, the females would start a conversation with lone males whom
20 they had approached. The officers monitoring this activity noticed that all the females that
21 were having conversations with males were drinking from 12 ounce cans of "Bud Lite" beer.
22 Within the time that the officers monitored this activity, they noticed that none of the females
23 sat with a male (indicating the possibility of being a girlfriend or significant other) for a period
24 longer than 15 minutes before the female approached another male. This type of activity is
25 common among women who solicit drinks at bars in exchange for compensation. Based on
26 their training and experience, the officers concluded that the Bar's management was permitting
27 females to illegally loiter at the Bar for the purposes of soliciting drinks from male patrons (in
28 violation of Business & Professions Code section 25657(b)) and that the females were illegally

1 soliciting drinks from male patrons (in violation of Penal Code section 303(a)).

2 On March 6, 2009, ATF and LAPD officers, acting in an undercover capacity, went to
3 the Bar. The officers arrived at the Bar and displayed a case of beer they had for sale to
4 Defendant Norberto Preciado Villasenor and the Bar's security guard. Defendant Norberto
5 Preciado Villasenor walked away and returned with Defendant Efrain Cruz who notified the
6 officers that he was the new owner of the bar and was now running the place. The officers
7 explained to Defendant Cruz that the alcohol was stolen and that it was "hit or miss" on the
8 products they could get. Defendant Cruz then bought four (4) cases of Corona beer and two
9 (2) cases of Bud Light beer for \$100 (violating of Penal Code sections 496 and 664 (attempt to
10 receive stolen property) and Business and Professions Code section 23402 (purchase of
11 alcohol from unlicensed dealer). Defendant Preciado Villasenor also purchased a carton of
12 untaxed/unstamped cigarettes for \$20 (violating 26 U.S.C. section 5751(a)(1)(A) (illegal
13 purchase of untaxed cigarettes)). While inside the Bar, the officers saw Defendant Josefina
14 Mendoza working behind the bar.

15 The Second Cause of Action as to all Defendants is for abatement of a narcotics
16 nuisance under Health and Safety Code section 11570, et seq. (the "Narcotics Abatement
17 Law"). Defendants are permitting the Property to be used for purposes of unlawfully selling,
18 serving, storing, keeping, manufacturing or giving away controlled substances in violation of
19 the Narcotics Abatement Law.

20 For instance, on May 8, 2008, an undercover ATF agent approached the Bar's security
21 guard who was standing on the sidewalk outside the front door of the Bar. The ATF agent
22 showed the Bar's security guard a \$20 bill and the security guard told the ATF agent that his
23 narcotics supplier could not come out but that he would sell the ATF agent a twenty (\$20)
24 dollar baggie of cocaine and give him a small amount of methamphetamine as a free sample.
25 The ATF agent agreed and handed the Bar's security guard the \$20 bill. The security guard
26 retrieved two small plastic baggies from his vehicle, one baggie contained cocaine and the
27 other baggie contained crystal methamphetamine. The security guard told the AFT agent that
28 the methamphetamine was a free sample so that he could "see if it was good enough to

1 purchase the next time.” The security guard also told the ATF agent that he sells narcotics
2 from the Bar from 7:30 p.m. until 2:00 a.m. The security guard then took out a medium sized
3 baggie from his vehicle’s glove compartment and showed the ATF agent telling him the
4 substance was cocaine and the would sell that size to the ATF agent for \$50. The ATF agent
5 agreed to purchase more from the Bar’s security guard at a later time. The ATF agent told the
6 security guard that there was a lot of bar traffic (indicating people coming to the Bar and
7 leaving the Bar) and that the owner was present. The Bar’s security guard told the AFT agent
8 that the Bar’s owners “knew that he ‘sells’ right there and that they don’t care.” The Bar’s
9 security guard and the ATF agent then agreed to meet the following week to complete another
10 transaction.

11 On June 6, 2008, after completing a stolen alcohol sales transaction with Defendant
12 Josefina Mendoza, the AFT and LAPD officers monitored the activity inside the Bar. The law
13 enforcement officers saw that the Bar’s security guard appeared to be selling narcotics. In
14 particular, several males approached the Bar’s security guard and handed him something, then
15 the security guard would move a small object from his front pocket and hand it to each male.
16 The male would then leave the area. This occurred at least five (5) times while the law
17 enforcement officers were present at the Bar. Later that evening, another male approached
18 the law enforcement officers and told them that he had cocaine and methamphetamine for
19 sale. The male told the ATF agent to meet him in the restroom and offered to sell him an
20 ounce of methamphetamine for \$625. The male then sold the ATF agent a sample of the
21 methamphetamine for \$20. While inside the bathroom, the ATF agent saw two males
22 completing a narcotics transaction. Later, the law enforcement officers saw a male patron
23 known as “Gordo” pouring a white powdery substance into the hands of the Bar’s security
24 guard. The officers then saw the Bar’s security guard place the powdered substance into a
25 small plastic baggie.

26 On October 2, 2008, the ATF agent approached a Bar patron known as “Gordo” and
27 inquired about purchasing an eight-ball of cocaine (this is street vernacular for one eighth of an
28 ounce of cocaine). Gordo told the ATF agent that he didn’t have an eight-ball packaged but

1 could sell the ATF agent individual packets of cocaine equal to an eighth of an ounce of
2 cocaine for \$200. The ATF agent asked how many packets that would equal out to be and
3 Gordo stated 14 packets. The ATF agent agreed and followed Gordo to the Bar's bathroom
4 where Gordo placed a napkin on the window ledge. The ATF agent reached for the napkin
5 and felt a semi-hard object inside. The ATF agent opened the napkin and observed several
6 small plastic baggies with cocaine inside. The ATF agent placed the napkin in his pocket and
7 handed Gordo \$200. Gordo then told the ATF agent that he had a .32 handgun for sale and
8 that he would bring it the next week for the ATF agent.

9 3. **STATEMENT OF LAW**

10 A. **DEFENDANTS ARE STRICTLY LIABLE FOR THE NUISANCE CAUSED BY**
11 **THE UNLAWFUL NARCOTICS ACTIVITY AT THE PROPERTY**

12 a. **Buildings and Places Used to Unlawfully Sell, Store, or Give Away Controlled**

13 **Substances Are Nuisances Per Se Which May Be Abated**

14 Any real property used for the purpose of unlawful narcotics activities constitutes a
15 nuisance. Specifically, Section 11570 of the California Health and Safety Code provides:

16 "Every building or place used for the purpose of unlawfully selling,
17 serving, storing, keeping, manufacturing, or giving away any
18 controlled substance, precursor, or analog specified in the division,
19 and every building or place wherein or upon which those acts take
20 place, is a nuisance which shall be enjoined, abated, and
21 prevented, and for which damages may be recovered, whether it is
22 a public or private nuisance."

23 Violations of Health and Safety Code section 11570 et seq. constitute a nuisance per
24 se. (*Lew v. Superior Court* (1993) 20 Cal.App. 4th 866, 871; *City of Costa Mesa v. Soffer*
25 (1992) 11 Cal.App.4th 378, 382.) "Nuisances per se are so regarded because no proof is
26 required, beyond the actual fact of their existence, to establish the nuisance." (*City of Costa*
27 *Mesa v. Soffer, supra*, 11 Cal.App.4th at p. 382) (emphasis added). "The concept of a
28 nuisance per se arises when a legislative body with appropriate jurisdiction, in the exercise of
police power, expressly declares a particular object or substance, activity or circumstance, to
be a nuisance . . . [W]here the law expressly declares something to be a nuisance, then no
inquiry beyond its existence need be made and in this sense its mere existence is said to be a

1 nuisance per se.” (*Jones v. Union Pacific Railroad* (2000) 79 Cal.App.4th 1053, 1066; *Paul v.*
2 *Wadler* (1962) 209 Cal.App.2d 615, 625.) Further, “when a legislative body has authorized the
3 injunctive remedy for the violation of a statute, it has determined as a matter of law that
4 irreparable injury attends the violation of the statute.” (*Paul v. Wadler, supra*, 209 Cal.App.2d
5 at p. 625.) Thus, the only issues before a court in an action to enjoin a statutory nuisance are
6 whether a statutory violation exists at the time of filing and whether the underlying statutes are
7 constitutionally valid. (*People v. Dept. of Transportation* (1993) 13 Cal.App.4th 1067, 1076;
8 *Amusing Sandwich, Inc. v. City of Palm Springs et al.* (1985) 165 Cal.App.3d 1116, 1129; *City*
9 *of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 100.)

10 Here, the evidence shows that there is narcotics activity directly tied to the Property. In
11 a nutshell, narcotics dealers sell narcotics inside the Bar and use the Bar as a meeting place to
12 sell illicit narcotics. Moreover, not only do the narcotics dealers themselves indicate that the
13 Bar Owners are aware of the narcotics problems, but the narcotics activity occurs in front of
14 them and they fail to take any action to abate it. Thus, Plaintiff can demonstrate that the
15 Property is being used for the purposes of unlawfully selling, serving, storing, and keeping
16 narcotics on a continuous and ongoing basis and constitutes a nuisance that is the proper
17 subject of this abatement action.

18 b. The Owners of a Nuisance Per Se May Be Enjoined from Directly or
19 Indirectly Maintaining or Permitting the Nuisance

20 Section 11571 of the California Health and Safety Code explicitly provides the City
21 Attorney may abate a nuisance consisting of illegal narcotic activities on a property. Such an
22 abatement action may be pursued against the “person conducting it or maintaining it, and the
23 owner, lessee, or agent of the building or place in or upon which the nuisance exists from
24 directly or indirectly maintaining or permitting the nuisance.” (Health & Saf. Code § 11571.)
25 Accordingly, pursuant to the plain-language of Section 11571, the owner of the building as well
26 as the owner of a business where a narcotics nuisance is maintained can be sued for directly
27 or indirectly maintaining or permitting a narcotics nuisance. Plaintiff need not prove that
28 Defendants were involved in the nuisance activity and need only show that the Defendants

1 owned the building or place where the nuisance existed. (*Lew v. Superior Court of Alameda*
2 *County, supra*, 20 Cal.App.4th at pp. 873-875.)

3 Property Owner Defendant has owned the Property since 1993 to the present. Bar
4 Owner Defendants are the owners of the Bar since 1997, to the present. As such, Defendants,
5 and all of them, may be held legally responsible for the narcotics activity at the Bar and can
6 properly be enjoined under the terms of Health and Safety Code section 11571 et seq.

7 c. Defendants Are Responsible for Abating the Illegal Activities of Third Parties
8 at the Property

9 Under Health and Safety Code section 11571, it is the owner of a property and/or the
10 owner of a business that are responsible for abating and preventing narcotics nuisance activity,
11 **even if** third parties are engaging in the illegal activity without the owner's consent or
12 knowledge. In *Lew v. Superior Court, supra*, 20 Cal.App. 4th 866, neighbors of a 36-unit
13 complex sued the owners of a HUD insured building. In evaluating whether plaintiffs could
14 proceed under the Narcotics Abatement Law, the court stated that Health and Safety Code
15 section 11570 "... [D]oes not require that the unlawful activity which makes the building a
16 nuisance be conducted by the owner of the building, a tenant of the building, or a person
17 entering with permission." (*Id.* at 871.) The court continued on to say that "[i]t bears emphasis
18 that real parties did not seek to recover for the acts of these third parties but for the act of
19 petitioners in maintaining their property as a nuisance." (*Id.* at 873).

20 Here, the evidence shows rampant narcotics activity at the Bar. As the owners of the
21 Property and Bar at the time of filing of the Complaint, Defendants are responsible for their
22 own conduct *and* the narcotics trafficking conducted by other individuals at the Property from at
23 least April 2008, to the present day.

24 d. Once The Existence Of A Nuisance Is Established, An Order Of Abatement
25 Shall Be Entered As Part Of The Judgment In The Case And Defendants
26 May Be Permanently Enjoined

27 Once the existence of a nuisance is shown, an order of abatement must be entered in
28 accordance with Health and Safety Code section 11581. Such an order of abatement could

1 include closure of the Property for up to one year. (Health & Saf. Code § 11581.) In addition
2 to the closure of the Property and the sale of chattels, upon judgment, Health and Safety Code
3 section 11571 also provides for in personam relief as well. (Health & Saf. Code §§ 11579 and
4 11581.) The person conducting or maintaining the nuisance may be permanently enjoined, as
5 may the owner, lessee or agent of the business or Property, from directly or indirectly
6 maintaining the nuisance. (Health & Saf. Code § 11579.) In the event the case went to trial,
7 Plaintiff would request that the order of abatement include closure of the Bar for a year as well
8 as a permanent injunction prohibiting Defendants from operating a bar anywhere in the State
9 of California and that Defendants' surrender all liquor licenses and/or permits.

10 e. Plaintiff Is Entitled To A Civil Penalty Of Up To \$25,000 Per Defendant

11 Pursuant to Health and Safety Code section 11581, "[t]he court may assess a civil
12 penalty not to exceed twenty-five thousand dollars (\$25,000) against any or all of the
13 defendants, based upon the severity of the nuisance and its duration." Here, Defendants
14 permitted blatant narcotics dealing at the Bar and each Defendant failed to take any action to
15 abate the narcotics nuisance allowing the Property to be maintained and/or used for the
16 purposes of selling, serving, storing, keeping, manufacturing, and/or giving away controlled
17 substances in violation of Section 11570 for several years, since at least from April 2008 to
18 May 2009. Moreover, as the evidence demonstrates, the narcotics activity at the Bar was not
19 only fairly prolific, but the Bar Defendants permitted such activity. Thus, at trial, Plaintiff will
20 request a penalty of \$25,000.00 against each Defendant that has failed to abate the nuisance.

21 f. Plaintiff Is Entitled To Recover Attorney Fees And Investigative Costs

22 i. Plaintiff is Entitled to Recover Investigative Costs & Overhead Expenses

23 California Civil Code section 3496(c) provides for fees and costs to be awarded to the
24 prevailing party in narcotics nuisance abatement cases. It provides in relevant part:

25 **§3496. Recovery of Attorneys' Fees and Costs in Specified Actions.**

26 In any of the following described cases, the court may award costs,
27 including the costs of investigation and discovery, and reasonable
attorneys' fees, which are not compensated for pursuant to some other
provision of law to the prevailing party:

28 * * *

(c) In any case in which a governmental agency seeks to enjoin the
use of a building or place, or seeks to enjoin in or upon any

1 building or place the unlawful sale, manufacture, service, storage,
2 or keeping or giving away of any controlled substance, as authorized
in Article 3 (commencing with Section 11570) of Chapter 10 of
Division 10 of the Health and Safety Code.

3
4 Interpreting Civil Code section 3496, the California Court of Appeal in *City of Oakland v.*
5 *McCullough* (1996) 46 Cal.App. 4th 1, held that the plaintiff City was entitled to recover
6 investigative costs **and** overhead expenses as part of its fee award for charges incurred by the
7 City to abate a narcotics nuisance. There, the court granted the City of Oakland a total of
8 \$95,112.24 for investigating and prosecuting the case. Defendant McCullough argued that she
9 should not have to pay the cost of police investigations, including surveillance, undercover
10 buys, etc., which she characterized as "classic law enforcement activities." However, the court
11 rejected this assertion pointing out that under Civil Code Section 3496, the "costs of
12 investigation" of a narcotics abatement action were recoverable. The *McCullough* court stated:
13 Does this include salaries and overhead for police officers and technicians
14 that are attributable to making undercover drug purchases and arrests,
15 seizing vehicles, and surveilling drug buyers? We think so, as long as
there is a sufficient causal connection between such activities and the
abatement action....What McCullough calls 'classic law enforcement
activities' were essential to prove drug sales, and thereby make the case
for abatement. (*McCullough, supra*, 46 Cal.App.4th at p. 2.)

16
17 Although, Plaintiff has not calculated the exact amount of investigative and overhead
18 costs incurred during the investigation in this case, it has estimated that the investigative costs
19 incurred exceed \$66,000. More specifically, one of the leading investigating officers in this
20 case estimates that at least 15 to 20 officers participated in each of the 27 operations and that
21 on average each operation lasted approximately an hour and a half. Based on this estimate, it
22 can be calculated that approximately 607.5 law enforcement hours were expended during the
23 investigation of this case. Investigative costs are estimated using each law enforcement
24 officer's hourly wage and then overhead expenses are calculated based on LAPD net salaries
25 utilizing a standardized cost allocation plan that is distributed by the Chief Deputy Controller for
26 the City of Los Angeles.² Accordingly, in calculating the investigative costs even when utilizing

27 ² Pursuant to this cost allocation plan, investigative costs include the peace officer's hourly wage and
28 the overhead costs to the City for LAPD (sworn personnel), which include Fringe Benefits at 38.43% of
hourly salary, Central Services at 18.01% of hourly salary, Department of Administration and Support at
62.10% at hourly salary, and Compensated Time Off (CTO) at 27.57% at hourly salary.

1 the lowest hourly rate (\$110 per hour for each police officer) times the number of hours expended
2 (at least 607.5) investigating the Bar, the amount equals \$66,825. At trial, Plaintiff will seek to
3 recover at least this amount in investigative costs.

4 ii. Plaintiff Is Entitled To Recover Attorney Fees

5 Under Civil Code section 3496, Plaintiff is also entitled to recover reasonable attorneys'
6 fees. In *Serrano v. Priest* (1977) 20 Cal.3d 25, 48, the California Supreme Court stated that
7 the "lodestar" method, which is the product of the number of hours reasonably expended on
8 the litigation multiplied by the reasonable hourly rates for each attorney, is the starting point of
9 every fee award. The California Supreme Court reaffirmed the lodestar method of calculating
10 reasonable attorney fees under fee-shifting statutes in *Press v. Lucky Stores, Inc.*, (1983) 34
11 Cal.3d 311, 322. To date, the City Attorney's Office has spent over 90 attorney hours and
12 numerous additional paralegal hours in prosecuting this case.

13 Plaintiff is entitled to recover an hourly rate for its attorneys that reflects the reasonable
14 market rate for their services in the community. (*Serrano v. Unruh, supra*, 32 Cal.3d at p. 643.)
15 With respect to in-house counsel, the California Supreme Court has stated that the reasonable
16 hourly rate is the prevailing market rate in the community for comparable legal services.
17 (*PLCM Group, Inc. v. Drexler*, (2000) 22 Cal.4th 1084, 1096.) There is no "reasonable hourly
18 rate" for cases that are normally prosecuted by a government entity, as in this case, for they
19 are not provided in a free market. (See *City of Oakland v. McCullough, supra*, 46 Cal.App.4th
20 at p. 6.) Yet courts have applied and awarded the prevailing market rate in the community for
21 government attorneys. (See, e.g., *Raney v. Federal Bureau of Prisons* (Fed. Cir. 2000) 222
22 F.3d 927, 934-935; *United States v. Big D. Enterprises, Inc.* (8th Cir. 1999) 184 F.3d 924, 936;
23 *Napier v. Thirty or More Unidentified Federal Agents* (3rd Cir. 1988) 855 F.2d 1080, 1092-93.)

24 Plaintiff seeks a market-billing rate of \$250 per hour for work of the Deputy City
25 Attorneys working on this case and \$85 per hour for the paralegal working on this case. The
26 Deputy City Attorneys that have handled this matter would bill as senior associates in a Los
27 Angeles law firm engaged in work of similar complexity based on their experience. According
28 to the December 12, 2005 National Law Journal survey of billing rates, this \$250 billing rate is

1 well within the average for associates in Los Angeles/Orange County law firms. The hourly
2 rates claimed by Plaintiff are within the range of the legal community in Los Angeles and they
3 are directly relevant to the prosecution of this case. Plaintiff's attorney and paralegal fees are
4 over \$22,500. Further, Plaintiff is entitled to recover its costs in litigating this matter under
5 Government Code section 6103. As such, at trial, Plaintiff will seek to recover at least \$22,500
6 for attorney fees and costs.

7 B. **DEFENDANTS ARE LIABLE FOR VIOLATING**
8 **THE UNFAIR COMPETITION ACT**

9 a. Owning a Property with Nuisance Activity Constitutes
10 a Violation of the Unfair Competition Act

11 California Business and Professions Code section 17200 broadly defines "unfair
12 competition" as follows:

13 . . . any unlawful, unfair or fraudulent business act or practice and unfair,
14 deceptive, untrue or misleading advertising and any act prohibited by Chapter 1
15 (commencing with section 17500) of Part 3 or Division 7 of the Business and
16 Professions Code."

17 The practices prohibited by Business and Professions Code section 17200 include any
18 practices forbidden by law, be they criminal, federal, state, municipal, statutory, regulatory, or
19 court-made. (*South Bay Chevrolet v. Gen. Motors Acceptance Corp.* (1999) 72 Cal. App. 4th
20 861, 880; *Farmers Ins. Exchange v. Superior Court* (1992) 2 Cal.4th 377, 383.) As the
21 California Supreme Court explained, Business and Professions Code section 17200 "borrows"
22 violations of other laws and treats these violations, when committed pursuant to business
23 activity, as unlawful practices independently actionable under section 17200 et seq. (*South*
24 *Bay Chevrolet v. General Motors Acceptance Corp.*, *supra*, 72 Cal. App.4th at p. 880; *Farmers*
25 *Ins. Exchange v. Superior Court*, *supra*, 2 Cal.4th at p. 3830.) In this case, Defendants have
26 engaged in unlawful and/or unfair business practices based on their management practices
27 relating to the Property and/or the Bar.

28 In particular, Defendant Property Owner violated Section 17200 because his business
practices—the leasing, managing and operating of the Property—allowed nuisance activity to

1 flourish on the Property in violation not only of the Narcotics Abatement Act (Health & Saf.
2 Code §§ 11570), but of various statutes and ordinances (Health & Saf. Code § 11570, et seq.;
3 18 U.S.C. § 922; Pen. Code §§ 496, 664; Bus. & Prof. Code § 23402; 26 U.S.C. §
4 5751(a)(1)(A)); L.A.M.C. § 46.91; Bus. & Prof. Code § 25657 and Pen. Code § 303(a); Pen.
5 Code § 647(a); and L.A.M.C. § 103.106). Similarly, Bar Owner Defendants' management of
6 the Bar allowed nuisance activity to thrive. Indeed, the Bar Owner Defendants themselves
7 contributed to the lawlessness of the Bar by engaging in illegal activity. For instance, Bar
8 Defendants repeatedly purchased stolen alcohol and untaxed cigarettes from undercover
9 officers. (Pen. Code §§ 496, 664 [illegal purchase of alcohol]; Bus. Prof. Code § 23402; 26
10 U.S.C. § 5751(a)(1)(A) [illegal purchase of tobacco].) In addition, Bar Defendants allowed
11 illegal adult entertainment (Pen. Code § 647(a) and illegal dancing (L.A.M.C. § 103.106) at the
12 Bar. Furthermore, substantial evidence documents that the Property was used for the
13 purposes of unlawfully selling, serving, storing, keeping, manufacturing, and/or giving away
14 controlled substances in violation of Health and Safety Code section 11570 et seq.

15 In sum, there is ample evidence of the narcotics and nuisance activity occurring at the
16 Property. Moreover, as demonstrated above, the Defendants, and each of them, based on
17 their conduct, allowed the Property to constitute a nuisance and allowed the Bar to operate in
18 violation of multiple statutes and ordinances, including:

- 19 • the sale of illegal narcotics at the Bar (Health & Saf. Code § 11570, et seq.);
- 20 • the sale of firearms (18 U.S.C. § 922);
- 21 • the purchase of stolen alcohol (Pen. Code §§ 496, 664)
- 22 • purchase of alcohol from unlicensed dealer (Bus. & Prof. Code § 23402);
- 23 • purchase of untaxed cigarettes (26 U.S.C. § 5751(a)(1)(A))
- 24 • the sale of tobacco products without a license (L.A.M.C. § 46.91);
- 25 • the illegal sale of alcohol (Bus. & Prof. Code § 25657 and Pen. Code § 303(a);
- 26 • illegal adult entertainment (Pen. Code § 647(a); and
- 27 • Dancing without a permit (L.A.M.C. § 103.106).

1 Such violations of law in and of themselves constitute an unlawful business practices
2 that when engaged in by the Property Owner Defendant as the owner and landlord of the
3 commercial property and by the Bar Defendants in their regular course of business, comes
4 within the meaning of Section 17200. Accordingly, pursuant to Business and Profession Code
5 section 17200 et seq., Defendants are liable for unfair business practices relating to the
6 operation and maintenance of the Property.

7 b. The Activity at the Property Constitutes Unlawful Business Practices that
8 May Be Enjoined by the Court and For Which Defendants May Be
9 Assessed a Civil Penalty of \$2500.00 Per Violation

10 Pursuant to Business and Professions Code section 17200, et seq., each of the
11 Defendants may also be assessed a civil penalty of two thousand five hundred dollars
12 (\$2,500.00), for each and every act of unfair and/or unlawful competition at the Property.
13 LAPD officers investigated the Bar and unlawful business practices of the Bar Defendants on
14 approximately 22 separate occasions during the time period from April 2008 to May 2009.
15 Each defendant could therefore properly be assessed a total of \$ 55,000 in civil penalties for
16 acts of unlawful business practices at the Property.

17 4. **RELIEF SOUGHT**

18 Plaintiff seeks a permanent injunction against Defendants and a monetary settlement to
19 compensate the People of the State of California for the extensive investigative costs and
20 attorney fees expended in abating this nuisance. Further, based on Bar Defendants
21 mismanagement of the Bar and their enabling the nuisance activity there, Plaintiff also seeks
22 penalties against Bar Defendants.

23 5. **SETTLEMENT NEGOTIATIONS**

24 Plaintiff has reached a tentative settlement agreement with Property Owner Defendants
25 and expects to finalize the terms of that agreement within the next week. Plaintiff and Bar
26 Defendants also participated in a mediation, at which time, Plaintiff provided Bar Defendants
27 with a settlement proposal that called for injunctive relief (Defendants would be precluded from
28 operating a bar business or working in any business that required an alcohol license) and a

1 reasonable amount for investigative costs and attorney fees. Bar Defendants' settlement
2 proposal was to allow them to sell the bar business and provide Plaintiff with a portion of the
3 sales proceeds.

4 Plaintiff does not want the Bar to continue to operate because it will likely continue to
5 constitute a nuisance. Furthermore, Bar Defendants' proposal is simply not viable because the
6 business is likely to be evicted from the Property soon and it is also probable that the Bar's
7 alcohol license will be revoked.

8 More specifically, Plaintiff's tentative settlement agreement with the Property Owner
9 Defendants requires the eviction of the Bar from the Property. Since the Bar only has a month
10 to month rental agreement, it is likely that such an eviction will be successful. In addition,
11 should the eviction require an unlawful detainer lawsuit, several law enforcement officers will
12 be available to testify to the extensive nuisance activity caused by the Bar and Plaintiff will join
13 in asking the Court to have the Bar closed as soon as possible. Moreover, the California
14 Department of Alcoholic Beverage Control has issued an Accusation Under the Alcoholic
15 Beverage and Control Act and State Constitution against Defendant Jose Mendoza Barragan
16 that seeks to revoke the Bar's alcohol license. Accordingly, selling the Bar business is simply
17 not feasible.

18 Here, Plaintiff simply seeks appropriate injunctive relief and the recovery of a
19 reasonable amount of investigative costs and attorney fees for abating the nuisance at the Bar.

20 DATED: August 23, 2010

Respectfully submitted,
CARMEN A. TRUTANICH, City Attorney
ASHA GREENBERG, Managing Assistant City Attorney
ANH TRUONG Assistant Supervising Deputy City Attorney

23 By: _____
24 MARIA AGUILLON
25 Deputy City Attorney,
26 Attorneys for Plaintiff,
27 THE PEOPLE OF THE STATE OF CALIFORNIA
28

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**SUMMONS
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT: ELAD 26 TOWERS 26 LLC, a Limited
(AVISO AL DEMANDADO):** Liability Company; SHAHRYAR
FARAHMANDFAR (also known as SAHRYAR
FARAHMANDFAR), an Individual; SHAHRAM RAY GOLBARI
(also known as SHAHRAM GOLBARI), an Individual; and DOES
1 through 50, inclusive.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court**

JUL 08 2013

John A. Clarke, Executive Officer/Clerk
By Amber Hayes, Deputy

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

**THE PEOPLE OF THE STATE OF CALIFORNIA, ex rel.
Mike Feuer, Los Angeles City Attorney**

NOTICE: You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO:** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
Central District
111 N. Hill St.
Los Angeles, California 90012**

CASE NUMBER:
(Número del Caso):

BC514269

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
MICHAEL N. FEUER, City Attorney, SBN 111529 213.978.4090 213.978.8717
Asha Greenberg, Managing Assistant City Attorney, SBN 107375
Maria Aguillon, Deputy City Attorney, SBN 199851
Office of the City Attorney, 200 N. Main St., Ste., 966, Los Angeles, CA 90012

DATE:

Clerk, by:

Amber Hayes

Deputy

(Fecha)

(Secretario)

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use Formulario de Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

(SEAL)

JUL 08 2013

SHORT TITLE: People v. Elad 26 Towers 26 LLC, et al.

CASE NUMBER:

BC

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party):

☐ Plaintiff ☒ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

ELAD 26 TOWERS LLC, a Limited Liability Company; SHAHRYAR FARAHMANDFAR (also known as SAHRYAR FARAHMANDFAR), an Individual; SHAHRAM RAY GOLBARI (also known as SHAHRAM GOLBARI), an Individual; JORGE LUIS NOLASCO (also known as JOSE NOLASCO), an Individual; WILLMAR JOVANI CORTEZ (also known as WILLMAR MARCOS CORTEZ), an Individual; BRIAN WILLIAMS (also known as BRIAN ADAMS), an Individual; EDUARDO ISIDORO (also known as EDUARDO ISIDORO), an Individual; JIMMY RAY BROWN (also known as JIMMY RAYRAY BROWN), an Individual; and DOES 1 through 100, inclusive,

Defendants.

1 MICHAEL N. FEUER, City Attorney, SBN 111529
2 ASHA GREENBERG, Managing Assistant City Attorney, SBN 107375
3 ANH TRUONG, Assistant Supervising Deputy City Attorney, SBN 210438
4 MARIA AGUILLON, Deputy City Attorney, SBN 199851
5 200 North Main Street, Suite 966
6 Los Angeles, California 90012
7 Telephone: 213.978.4090
8 Fax: 213.978.8717
9 Email: maria.aguillon@lacity.org

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OF ORIGINAL FILED
Los Angeles Superior Court

JUL 08 2013

John A. Clarke, Executive Officer/Clerk
By Amber Hayes, Deputy

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. Mike Feuer, Los
Angeles City Attorney

Plaintiff,

vs.

ELAD 26 TOWERS LLC, a Limited Liability
Company; SHAHRYAR FARAHMANDFAR
(also known as SAHRYAR
FARAHMANDFAR), an Individual;
SHAHRAM RAY GOLBARI (also known as
SHAHRAM GOLBARI), an Individual;
JORGE LUIS NOLASCO (also known as
JOSE NOLASCO), an Individual; WILLMAR
JOVANI CORTEZ (also known as
WILLMAR MARCOS CORTEZ), an
Individual; BRIAN WILLIAMS (also known
as BRIAN ADAMS), an Individual;
EDUARDO ISIDORO, (also known as
EDUARDO ISIDORO), an Individual;
JIMMY RAY BROWN (also known as
JIMMY RAYRAY BROWN), an Individual;
and DOES 1 through 100, inclusive,

Defendants.

Case No.

BC514269

COMPLAINT TO ABATE, PREVENT,
AND ENJOIN A NUISANCE UNDER
HEALTH AND SAFETY CODE
SECTION 11570, ET SEQ.; PUBLIC
NUISANCE UNDER CIVIL CODE
SECTION 3479, ET SEQ.; AND FOR
VIOLATIONS OF BUSINESS &
PROFESSIONS CODE SECTION
17200, ET SEQ.

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows,
which allegations are on information and belief as to the Defendants:

INTRODUCTION

1. This action is brought and prosecuted by the People of the State of California ("People") for the purpose of enjoining, abating and preventing a nuisance as defined in Health and Safety Code section 11570, et seq. (the "Narcotics Abatement Law") and Civil Code section 3479, et seq. which exists on the premises located at 721 South Westlake Avenue, Los Angeles California 90057 (the "Property"). A business functioning as a residential apartment building (referred to as the "Apartments" or "Business"), has been and is currently operating on the Property. ELAD 26 TOWERS LLC, a Limited Liability Company, SHAHRYAR FARAHMANDFAR (also known as SAHRYAR FARAHMANDFAR), an Individual; SHAHRAM RAY GOLBARI (also known as SHAHRAM GOLBARI), an Individual; and DOES 1 through 50, (collectively "PROPERTY OWNER DEFENDANTS") own and operate the Business and are also the owners of the Property. JORGE LUIS NOLASCO (also known as JOSE NOLASCO), an Individual; WILLMAR JOVANI CORTEZ (also known as WILLMAR MARCOS CORTEZ), an Individual; BRIAN WILLIAMS (also known as BRIAN ADAMS), an Individual; EDUARDO ISIDORO, (also known as EDUARDO ISIDORO), an Individual; JIMMY RAY BROWN (also known as JIMMY RAYRAY BROWN), an Individual; and DOES 51 through 100, (collectively INDIVIDUAL DEFENDANTS) sell, permit and/or facilitate the sales of narcotics at the Property. The People assert their power to remedy these injuries to the public interest by seeking to enjoin all DEFENDANTS' future violations of law and to assess civil penalties against all DEFENDANTS for past violations of law under these provisions. The People also seek to enjoin PROPERTY OWNER DEFENDANTS' violations of the Unfair Competition Law (Business and Profession Code section 17200, et seq.) through this action.

///

///

///

1 7. Defendant JORGE LUIS NOLASCO (also known as JOSE NOLASCO)
2 was involved in the sale of narcotics at the Property on at least five (5) occasions.
3 Defendant JORGE LUIS NOLASCO (also known as JOSE NOLASCO) by selling,
4 permitting, and/or facilitating the sale of narcotics at the Property and by creating
5 and/or contributing to a violent and unsafe atmosphere at the Property, is responsible
6 for conducting and maintaining the nuisance alleged herein, thereby violating the
7 Narcotics Abatement Act and Public Nuisance Law.

8 8. Defendant WILLMAR JOVANI CORTEZ (also known as WILLMAR
9 MARCOS CORTEZ) was involved in the sale of narcotics at the Property on at least
10 three (3) occasions. Defendant WILLMAR JOVANI CORTEZ (also known as
11 WILLMAR MARCOS CORTEZ) by selling, permitting, and/or facilitating the sale of
12 narcotics at the Property and by creating and/or contributing to a violent and unsafe
13 atmosphere at the Property, is responsible for conducting and maintaining the
14 nuisance alleged herein, thereby violating the Narcotics Abatement Act and Public
15 Nuisance Law.

16 9. Defendant BRIAN WILLIAMS (also known as BRIAN ADAMS) was
17 involved in the sale of narcotics at the Property on at least six (6) occasions.
18 Defendant BRIAN WILLIAMS (also known as BRIAN ADAMS) by selling, permitting,
19 and/or facilitating the sale of narcotics at the Property and by creating and/or
20 contributing to a violent and unsafe atmosphere at the Property, is responsible for
21 conducting and maintaining the nuisance alleged herein, thereby violating the
22 Narcotics Abatement Act and Public Nuisance Law.

23 10. Defendant EDUARDO ISIDORO, (also known as EDUARDO
24 ISIDORO) was involved in the sale of narcotics at the Property on at least four (4)
25 occasions. Defendant EDUARDO ISIDORO, (also known as EDUARDO ISIDORO)
26 by selling, permitting, and/or facilitating the sale of narcotics at the Property and by
27 creating and/or contributing to a violent and unsafe atmosphere at the Property, is

28 *///*

1 responsible for conducting and maintaining the nuisance alleged herein, thereby
2 violating the Narcotics Abatement Act and Public Nuisance Law.

3 11. Defendant JIMMY RAY BROWN (also known as JIMMY RAYRAY
4 BROWN) was involved in the sale of narcotics at the Property on at least thirteen (13)
5 occasions. JIMMY RAY BROWN (also known as JIMMY RAYRAY BROWN) by
6 selling, permitting, and/or facilitating the sale of narcotics at the Property and by
7 creating and/or contributing to a violent and unsafe atmosphere at the Property, is
8 responsible for conducting and maintaining the nuisance alleged herein, thereby
9 violating the Narcotics Abatement Act and Public Nuisance Law.

10 12. Plaintiff is ignorant of the true names and capacities of Defendant DOES
11 1 through 100, inclusive, and as such, sues these defendants by such fictitious names
12 pursuant to Section 474 of the California Code of Civil Procedure. Each such
13 defendant is responsible in some manner for conducting, maintaining, or directly or
14 indirectly permitting the unlawful activity complained of herein. When the true names
15 and capacities of said defendants have been ascertained, Plaintiff will ask leave of the
16 court to amend this complaint and to insert in lieu of such fictitious names the true
17 names and capacities of any fictitiously named defendants.

18 13. At all relevant times mentioned herein, all defendants were and are
19 agents, lessors, lessees, servants, employees, partners and/or joint venturers of each
20 other defendant, and at all times were acting within the course and scope of said
21 relationship and with the consent of each of their co-defendants.

22 14. At all times mentioned herein, the City of Los Angeles, was and still is a
23 municipal corporation with a population in excess of 750,000 people, organized and
24 existing under the laws of the State of California for purposes of standing under
25 Business and Professions Code section 17204.

26 **The Property**

27 15. At least as of December 2011, a residential apartment business has
28 been operating at the Property.

1 16. The Property, a three story multi-unit apartment building with
2 approximately thirty six units, is located at 721 South Westlake Avenue, Los Angeles
3 California 90057 with the legal description of: Lot 17, Block "D" of the Bonnie Brae
4 Tract, in the City of Los Angeles, County of Los Angeles, State of California, as Per
5 Map Recorded in Book 9, Page 85 of the Miscellaneous Records, in the Office of the
6 County Recorder of Said County." Assessors Parcel Number: 5141-019-012.

7 Jurisdiction and Venue

8 17. Each of the acts and practices alleged herein were performed by
9 DEFENDANTS, in whole or in part, in the City of Los Angeles.

10 18. The Property that is the subject of this action is located in the City of Los
11 Angeles.

12 Narcotics and Nuisance Activity At The Property

13 19. Since at least December 2011, the Property has been used for the
14 purpose of unlawful sales of controlled substances, namely cocaine,
15 methamphetamine and marijuana. Since at least December 2011, Los Angeles Police
16 Department ("LAPD") officers have made several arrests for narcotics related activity
17 at the Property. In addition, between December 2011, and the present, LAPD officers
18 and/or their confidential informants, have repeatedly purchased narcotics at the
19 Property.

20 20. Since at least December 2011, the Property has been a public nuisance
21 involving narcotic sales, assaults with deadly weapons, and robberies. In addition,
22 from at least December 2011, to the present, LAPD has responded to numerous of
23 calls for service at the Property that include, but are not limited to assaults, fights,
24 robberies, and narcotics.

25 OVERVIEW OF APPLICABLE LAW

26 Narcotics Abatement Law

27 21. The abatement of a nuisance is a long established and well-recognized
28 exercise of the state's police power. (*People v. Barbiero* (1917) 33 Cal.App. 770, 775;

1 *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its
2 enactment in 1972, the principal purpose of the Narcotics Abatement Act (Health &
3 Safety Code, § 11570, et seq.) is the abatement of buildings and places "used for the
4 purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away
5 any controlled substance, precursor, or analog specified in this division" (Health
6 & Safety Code, § 11570).

7 22. The Narcotics Abatement Law provides that every building or place used
8 for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving
9 away any controlled substance, precursor, or analog *inter alia*, "is a nuisance which
10 shall be enjoined, abated, and prevented . . . whether it is a public or private
11 nuisance." (Health & Safety Code, § 11570 [emphasis added].)

12 23. Health and Safety Code section 11571, authorizes a city attorney to
13 bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in
14 relevant part: "Whenever there is reason to believe that a nuisance as described in
15 Section 11570, is kept, maintained, or exists in any county, the district attorney of the
16 county, or the city attorney of any incorporated city or of any city and county, in the
17 name of the people, may . . . maintain an action to abate and prevent the nuisance
18 and perpetually to enjoin the person conducting or maintaining it, and the owner,
19 lessee, or agent of the building or place in or upon which the nuisance exists from
20 directly or indirectly maintaining or permitting the nuisance."

21 24. Health and Safety Code section 11573(a) provides that: "If the existence
22 of the nuisance is shown in the action to the satisfaction of the court or judge, either by
23 verified complaint or affidavit, the court or judge shall allow a temporary restraining
24 order or injunction to abate and prevent the continuance or recurrence of the
25 nuisance." (Emphasis added.) In addition, Health and Safety Code section 11581
26 provides, as an additional remedy, for the removal and sale of all fixtures and movable
27 property on the premises used in aiding or abetting the nuisance and for the closure of
28 the building for up to one year.

Public Nuisance Law

25. Civil Code section 3479 provides:

Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . . is a nuisance.

26. Civil Code section 3480, defines a public nuisance as ". . . one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

27. "A civil action may be brought in the name of the People of the State of California to abate a public nuisance, as defined in section 3480, of the Civil Code, by the city attorney of any town or city in which such nuisance exists." (Code Civ. Proc., § 731.)

28. Civil Code section 3491 provides for the methods by which a public nuisance such as the nuisance alleged herein may be abated. Civil Code section 3491 states, in pertinent part, that the "remedies against a public nuisance are indictment or information, a civil action or abatement."

29. Where "a building or other property is so used as to make it a nuisance under the statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165 Cal.App.2d 306, 318 ["a nuisance and liability therefor may exist without negligence"]; *People v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such nuisance was conducted and maintained on the premises in question, regardless of the knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is unnecessary."]; *People v. Peterson* (1920) 45 Cal.App. 457, 460 ["[I]t was not necessary . . . for the trial court to find either, that the [defendants] threatened, and

1 unless restrained, would continue to maintain, aid, and abet, the nuisance, or that they
2 knew the building was used in violation of the act, . . . The existence of the nuisance
3 was the ultimate fact in this case, and having been found, supports the judgment."[.]
4 This is because "the object of the act is not to punish; its purpose is to effect a
5 reformation of the property itself." (*People v. Bayside Land Co.* (1920) 48 Cal.App.
6 257, 261.)

7 30. Moreover, Civil Code section 3483 states that "[e]very successive
8 owner of property who neglects to abate a continuing nuisance upon, or in the use of,
9 such property, created by the former owner, is liable therefore in the same manner as
10 the one who first created it."

11 The Unfair Competition Law

12 31. The practices prohibited by Business and Professions Code section
13 17200, are "any practices forbidden by law, be it civil or criminal, federal, state, or
14 municipal, statutory, regulatory, or court-made. It is not necessary that the predicate
15 law provide for private civil enforcement. As the California Supreme Court put it,
16 Business and Professions Code section 17200, borrows violations of other laws and
17 treats them as unlawful practices independently actionable under Business and
18 Professions Code section 17200, et seq. (*South Bay Chevrolet v. General Motors*
19 *Acceptance Corp.* (1999) 72 Cal. App. 4th 861, 880 (internal citations and quotation
20 marks omitted).)

21 32. Civil actions under section 17200, et seq., may be brought in the
22 name of the People of the State of California by any city attorney of a city having a
23 population in excess of 750,000 (Bus. & Profs. Code, § 17204), such as the City of
24 Los Angeles. A public entity can sue pursuant to section 17200 based on violations of
25 its own municipal code, state law, or other local ordinance. (*People v. Thomas*
26 *Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

27 33. The ownership and operation of an apartment building is a business.
28 (*Clark v. City of San Pablo* (1969) 270 Cal.App.2d 121, 125.) When a property owner

1 conducts, maintains or permits a nuisance to exist on that rental property, it is a
2 violation of the Unfair Competition Law. (See *San Francisco v. Sainez* (2000)
3 77 Cal.App.4th 1302, 1323.) Thus, unlawful and unfair business acts and practices
4 include violations of the Narcotics Abatement Act and Public Nuisance Law.

5 **FIRST CAUSE OF ACTION**

6 **FOR VIOLATIONS OF THE NARCOTICS ABATEMENT LAW**

7 **(Health and Safety Code, § 11570, et seq.)**

8 **[Against All Defendants and**

9 **DOES 1 through 50]**

10 34. Plaintiff hereby incorporates by reference paragraphs 1 through 33 of
11 this Complaint and makes them part of this First Cause of Action, as if fully set forth
12 herein.

13 35. The Property was, and is, being used, from an exact date unknown, but
14 at least since December 2011, for the purposes of unlawfully selling, serving, storing,
15 keeping, manufacturing or giving away controlled substances and is a building or
16 place wherein or upon which those acts take place.

17 36. From an exact date unknown, but at least since December 2011,
18 Defendants ELAD 26 TOWERS LLC, SHAHRYAR FARAHMANDFAR (also known as
19 SHAHRYAR FARAHMANDFAR), SHAHRAM RAY GOLBARI (also known as
20 SHAHRAM GOLBARI), JORGE LUIS NOLASCO (also known as JOSE NOLASCO),
21 WILLMAR JOVANI CORTEZ (also known as WILLMAR MARCOS CORTEZ), BRIAN
22 WILLIAMS (also known as BRIAN ADAMS), EDUARDO ISIDORO, (also known as
23 EDUARDO ISIDORO), JIMMY RAY BROWN (also known as JIMMY RAYRAY
24 BROWN), and DOES 1 through 100 (collectively "DEFENDANTS") have operated,
25 maintained, directly or indirectly permitted and/or used the Property for the purposes
26 of unlawfully selling, serving, storing, keeping, manufacturing and/or giving away
27 controlled substances in violation of Health and Safety Code section 11570, et seq.

28 *///*

1 37. DEFENDANTS and each of them, are the owners, operators, lessors,
2 or lessees of the fixtures and appurtenances contained within the Property and said
3 fixtures and appurtenances were used, and are presently being used, directly or
4 indirectly, by all DEFENDANTS in conducting, maintaining and/or permitting the use of
5 the Property, including its grounds, buildings and premises, for narcotics activity.

6 38. Plaintiff has no adequate remedy at law, and unless DEFENDANTS
7 are restrained and enjoined by order of this Court, they will continue to use, occupy,
8 maintain, and permit the Property, together with the fixtures and appurtenances
9 located therein, for the purpose of selling, storing, distributing or giving away a
10 controlled substance, to wit, cocaine, methamphetamine and marijuana, and they will
11 continue to allow, permit and encourage this nuisance on the premises, to the
12 irreparable damage of the public.

13 **SECOND CAUSE OF ACTION**

14 **FOR VIOLATIONS OF THE PUBLIC NUISANCE LAW**

15 **(Civ. Code, § 3479 et seq.)**

16 **[Against All Defendants and**

17 **DOES 1 through 50]**

18 39. Plaintiff hereby incorporates by reference paragraphs 1 through 38 of
19 this Complaint and makes them part of this Second Cause of Action, as if fully set
20 forth herein.

21 40. On a continuous and ongoing basis, from an exact date unknown, but
22 since at least December 2011, until the present time, DEFENDANTS have operated,
23 occupied, used and/or permitted to be occupied and used the Property in such a
24 manner as to constitute a public nuisance in violation of Civil Code sections 3470 and
25 3480. Said public nuisance, described herein is injurious to health, indecent or
26 offensive to the senses and/or an obstruction to the free use of the property, so as to
27 substantially and unreasonably interfere with the comfortable enjoyment of life or
28 property of persons residing on the property and/or persons living in the surrounding

community. Besides the overt narcotic sales and narcotics use at the location, the documented nuisance activity at the Property includes several recent robberies, assaults, including assaults with a deadly weapon, and numerous calls for service to the LAPD, often without an arrest or crime report being generated.

41. DEFENDANTS in owning, conducting, maintaining and/or permitting the use of the Property as a public nuisance, have engaged in wrongful conduct and caused a serious threat to the general health, safety and welfare of Plaintiff.

42. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described herein. Unless DEFENDANTS are restrained and enjoined by order of this Court, they will continue to use, occupy, maintain, and/or aid and abet the use, occupation and maintenance of the Property for the purpose complained of herein, to the great, irreparable damage of Plaintiff, to the City of Los Angeles, the local community near the Property, and in violation of California law.

THIRD CAUSE OF ACTION

FOR VIOLATIONS OF THE UNFAIR COMPETITION LAW

(Bus & Profs. Code, § 17200 et seq.)

[Against Property Owner Defendants and

DOES 1 through 50]

43. Plaintiff incorporates herein by reference paragraphs 1 through 42 of this Complaint, as though fully set forth herein.

44. The practices prohibited by Business and Professions Code section 17200 are "any practices forbidden by law, be it civil or criminal, federal, state, or municipal, statutory, regulatory, or court-made. It is not necessary that the predicate law provide for private civil enforcement. As the California Supreme Court put it, section 17200, "borrows" violations of other laws and treats them as unlawful practices independently actionable under section 17200, et seq." (*South Bay Chevrolet v.*

///

1 *General Motors Acceptance Corp.* (1999) 72 Cal. App. 4th 861, 880 (internal citations
2 and quotation marks omitted).)

3 45. The City of Los Angeles has a population in excess of 750,000 and the
4 City Attorney for the City of Los Angeles brings the third cause of action alleged herein
5 on behalf of the People, pursuant to Business and Professions Code section 17204,
6 which provides that an action under Chapter 5 of Division 7 of the Business and
7 Professions Code may be brought in the name of the People of the State of California
8 by any city attorney of a city, or city and county, having a population in excess of
9 750,000.

10 46. On a continuous and ongoing basis, from an exact date unknown, but at
11 least December 2011, Defendants ELAD 26 TOWERS LLC, SHAHRYAR
12 FARAHMANDFAR (also known as SAHRYAR FARAHMANDFAR), SHAHRAM RAY
13 GOLBARI (also known as SHAHRAM GOLBARI),, and DOES 1 through 50
14 ("PROPERTY OWNER DEFENDANTS") have engaged in unlawful and unfair
15 business acts and practices, within the meaning of and in violation of California
16 Business and Professions Code section 17200, et seq., with respect to the Property.

17 47. Since at least December 2011, PROPERTY OWNER DEFENDANTS as
18 owners, lessors, lessees, operators, or managers of the Property, have been directly
19 or indirectly, maintaining and/or permitting the use of the Property for the purposes of
20 unlawfully selling, serving, storing, keeping, manufacturing, and/or giving away
21 controlled substances in violation of Health and Safety Code section 11570, et seq.

22 48. Since at least December 2011, PROPERTY OWNER DEFENDANTS as
23 owners, lessors, lessees, operators, or managers of Property, have violated the Public
24 Nuisance Law (Civil Code section 3479, et seq.), by owning, operating, maintaining,
25 and managing the Property as a public nuisance wherein narcotics activity and
26 violence, including robberies, and assaults, including assaults with deadly weapons,
27 occur at the Property.

28 ///

1 49. Within the four years preceding the filing of this Complaint, PROPERTY
2 OWNER DEFENDANTS further violated Business and Professions Code section
3 17200, et seq., by engaging in unlawful and unfair business acts and practices in that:

4 A. PROPERTY OWNER DEFENDANTS unfairly and unlawfully
5 detract from the quality of life of the neighbors of the Property.

6 B. PROPERTY OWNER DEFENDANTS unfairly and unlawfully
7 contribute to the crime and disorderly conduct within the City of Los Angeles, and are
8 unjustly enriched to the extent that PROPERTY OWNER DEFENDANTS fail to pay the
9 costs of complying with their obligations to maintain the Property free of nuisance
10 activity.

11 50. These unlawful and unfair business acts and practices, as alleged
12 herein, place PROPERTY OWNER DEFENDANTS at an unfair advantage with
13 respect to their competitors who do follow the law.

14 51. PROPERTY OWNER DEFENDANTS' acts of unfair competition present
15 a continuing threat to the public welfare. Plaintiff has no adequate remedy at law.
16 Unless PROPERTY OWNER DEFENDANTS are enjoined and restrained by order of
17 this Court, they will continue to engage in the unlawful and unfair business acts and
18 practices alleged herein, causing irreparable injury and harm to the public's welfare.

19 PRAYER

20 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE
21 AND DECREE AS FOLLOWS:

22 AS TO THE FIRST CAUSE OF ACTION:

23
24 1. That DEFENDANTS, and DOES 1 through 100, and the Property,
25 including all buildings and structures thereon, be declared in violation of Health and
26 Safety Code section 11570, et seq.

27 2. That the Property, together with the fixtures and moveable property
28 therein and thereon, constitutes a nuisance and that the Property be permanently

1 abated as such in accordance with Section 11581, of the California Health and Safety
2 Code.

3 3. That the Court grant a temporary restraining order, preliminary injunction,
4 permanent injunction and order of abatement in accordance with Section 11570, et seq.
5 of the Health and Safety Code, enjoining and restraining all DEFENDANTS, and their
6 agents, servants, employees, partners, principals, assigns, and all those acting in
7 concert with, aiding and abetting, and/or participating with them from unlawfully selling,
8 serving, storing, keeping, manufacturing, or giving away controlled substances on the
9 Property.

10 4. That the Court issue such orders in accordance with Health and Safety
11 Code section 11573.5 to remedy the nuisance on the Property and enhance the
12 abatement process, including but not limited to, remedial improvements to the Property
13 and also require that any Defendant currently residing at the Property move out and
14 stay 1000 feet away from the Property and until the nuisance is abated, pursuant to
15 Health and Safety Code section 11573.5(f)(1)(H).

16 5. That as part of the Judgment, an Order of Abatement be issued, and that
17 the Property be closed for a period of one year, not to be used for any purpose, and be
18 under the control and custody of the Court for said period of time, or, in the alternative,
19 that DEFENDANTS, and DOES 1 through 100, pay damages in an amount equal to the
20 fair market rental value of the Property for one year to the City of Los Angeles in
21 accordance with Health and Safety Code section 11581 subdivision (c)(1).

22 6. That PROPERTY OWNER DEFENDANTS be ordered to hire and
23 maintain a reputable, established and qualified property management company ("PMC")
24 to assist PROPERTY OWNER DEFENDANTS with the day-to-day management of the
25 Property. That it be ordered that the PMC has: (1) at least three years experience
26 managing properties in high-crime/high-narcotics neighborhoods; and, (2) at least three
27 years experience managing large apartment properties. That it be ordered that the
28 PMC assign one full-time on-site manager to manage the Property and that any

1 manager must be screened prior to hiring and have at least three years experience
2 managing apartments and at least three years experience managing properties in high-
3 crime high-narcotics neighborhoods.

4 7. That PROPERTY OWNER DEFENDANTS be ordered to reside in the
5 Property until the nuisance is abated.

6 8. That PROPERTY OWNER DEFENDANTS employ two state licensed
7 security guards, in compliance with California Business and Professions Code section
8 7582.26(f), to be on duty on the Property, twenty-four hours per day, seven days per
9 week.

10 9. That PROPERTY OWNER DEFENDANTS commence and diligently
11 pursue unlawful detainer actions of any and all individuals residing at the Property who
12 are arrested for narcotics activity at the Property or within 1000 feet of the Property.

13 10. That each Defendant be assessed a civil penalty in an amount not to
14 exceed Twenty Five Thousand Dollars (\$25,000.00).

15 11. That all fixtures and moveable property used in conducting, maintaining,
16 aiding or abetting the nuisance at the Property be removed by the LAPD and sold in the
17 manner provided for the sale of chattels under execution. Said fixtures and property
18 shall be inventoried and a list prepared and filed with this Court.

19 12. That there shall be excepted from said sale, such property to which title is
20 established in some third party not a defendant, nor agent, officer, employee or servant
21 of any defendant in this proceeding.

22 13. That the proceeds from said sale be deposited with this Court for payment
23 of the fees and costs of sale. Such costs may occur in closing said Property and
24 keeping it closed, removal of said property, and the People's costs in the action,
25 including attorneys' fees and such other costs as the Court shall deem proper.

26 14. That if the proceeds of the sale do not fully discharge all such costs, fees
27 and allowances, the Property shall also be sold under execution issued upon the order
28 of the Court or judge and the proceeds of such sale shall be applied in a like manner.

1 That any excess monies remaining after payment of approved costs shall be delivered
2 to the owner of said Property. Ownership shall be established to the satisfaction of this
3 Court.

4 15. That the recordation of any judgment in this action constitute a lien prior to
5 any pre-existing liens held by PROPERTY OWNER DEFENDANTS in connection with
6 the Property.

7 16. That PROPERTY OWNER DEFENDANTS, their agents, servants,
8 employees, partners, principals, assigns, and all those acting in concert with, aiding and
9 abetting, and/or participating with them be perpetually enjoined from transferring,
10 conveying, or encumbering any portion of the Property for consideration or otherwise,
11 without first obtaining the Court's prior approval.

12 17. That PROPERTY OWNER DEFENDANTS, their agents, servants,
13 employees, partners, principals, assigns, and all those acting in concert with, aiding and
14 abetting, and/or participating with them be ordered to immediately notify any
15 transferees, purchasers, commercial lessees, or other successors in interest to the
16 subject Property of the existence and application of any temporary restraining order,
17 preliminary injunction, or permanent injunction to all prospective transferees,
18 purchasers, commercial lessees, or other successors in interest, before entering into
19 any agreement to sell, lease or transfer the Property, for consideration or otherwise, all
20 or any portion of the Property that is the subject of this action.

21 18. That PROPERTY OWNER DEFENDANTS, their agents, servants,
22 employees, partners, principals, assigns, and all those acting in concert with, aiding and
23 abetting, and/or participating with them be ordered to immediately give a complete,
24 legible copy of any temporary restraining order, preliminary injunction, or permanent
25 injunction to all prospective transferees, purchasers, commercial lessees, or other
26 successors in interest, before entering into any agreement to sell, lease or transfer the
27 Property, for consideration or otherwise, all or any portion of the Property that is the
28 subject of this action.

1 19. That PROPERTY OWNER DEFENDANTS, their agents, servants,
2 employees, partners, principals, assigns, and all those acting in concert with, aiding and
3 abetting, and/or participating with them be ordered to immediately request and procure
4 signatures from all prospective transferees, purchasers, or other successors in interest
5 to the subject Property, which acknowledges his/her respective receipt of a complete,
6 legible copy of any temporary restraining order, preliminary and permanent injunction,
7 and deliver a copy of such acknowledgment to the Los Angeles City Attorney's Office,
8 c/o Maria Aguillon or her designee.

9 20. That Plaintiff recover the costs of this action, including law enforcement
10 investigative costs and any fees, including attorneys' fees, authorized by law from all
11 DEFENDANTS in an amount not to exceed Seven Hundred and Fifty Thousand Dollars
12 (\$750,000.00).

13 21. That the People recover the amount of the filing fees and the amount of
14 the fee for the service of process or notices which would have been paid but for
15 Government Code section 6103.5, designating it as such. The fees may, at the Court's
16 discretion, include the amount of the fees for certifying and preparing transcripts.

17 22. That the People be granted such other and further relief as the Court
18 deems just and proper.

19
20 **AS TO THE SECOND CAUSE OF ACTION:**

21 23. That the Property, together with the fixtures and moveable property
22 therein and thereon, be declared a public nuisance and be permanently abated as such
23 in accordance with Civil Code section 3491.

24 24. That DEFENDANTS, and their agents, officers, employees and anyone
25 acting on their behalf, and their heirs and assignees, be perpetually enjoined from
26 operating, conducting, using, occupying, or in any way permitting the use of the
27 Property as a public nuisance. Such orders should include, but not be limited to, (1)
28 physical and managerial improvements to the Property, and (2) that any Defendants

1 currently residing at the Property move out of and stay 1000 feet away from the
2 Property and such other orders as are appropriate to remedy the nuisance on the
3 Property and enhance the abatement process.

4 25. That the Court grant a temporary restraining order, preliminary injunction,
5 permanent injunction and order of abatement in accordance with California Civil Code
6 section 3479, et seq., enjoining and restraining DEFENDANTS and their agents,
7 officers, employees and anyone acting on their behalf, from unlawfully selling, serving,
8 storing, keeping, manufacturing, or giving away controlled substances on the Property.

9 26. That Plaintiff be granted such other and further relief as the Court deems
10 just and proper, including closure of the Property.

11 27. That Plaintiff recovers the amount of the filing fees and the amount of the
12 fee for the service of process or notices which would have been paid but for
13 Government Code section 6103.5, designating it as such not to exceed \$500,000.00.
14 The fees may, at the Court's discretion, include the amount of the fees for certifying and
15 preparing transcripts.

16
17 **AS TO THE THIRD CAUSE OF ACTION:**

18 28. That PROPERTY OWNER DEFENDANTS and their agents, officers,
19 employees and anyone acting on their behalf be declared in violation of Business and
20 Professions Code section 17200, et seq.

21 29. That PROPERTY OWNER DEFENDANTS and their agents, officers,
22 employees and anyone acting on their behalf be permanently enjoined from
23 maintaining, operating, or permitting any act or unfair or unlawful competition in violation
24 of Business and Professions Code sections 17200, et seq.

25 30. That the Court grant a preliminary and permanent injunction against
26 PROPERTY OWNER DEFENDANTS and their agents, officers, employees and anyone
27 acting on his behalf abating the continuation of the unfair or unlawful competition as

28 **III**

1 herein described on the Property and ordering that the conditions and activities, as
2 herein described, be corrected and eliminated from the Property.

3 31. That pursuant to Business and Professions Code sections 17200, et seq.,
4 PROPERTY OWNER DEFENDANTS and their agents, officers, employees and anyone
5 acting on his behalf be assessed a civil penalty of Two Thousand Five Hundred Dollars
6 (\$2,500.00), for each and every act of unfair and unlawful competition, and for every
7 day that the Property has been maintained in violation of the law, including and not
8 limited to violations of section 11570, et seq., of the Health and Safety Code, the
9 Narcotics Abatement Act.

10 **ON ALL CAUSES OF ACTION:**

11 32. That Plaintiff be granted such other and further relief as the Court deems
12 just and proper.
13

14 DATED: July 8, 2013

Respectfully submitted,

15 MICHAEL N. FEUER, City Attorney

16 ASHA GREENBERG, Managing Assistant City Attorney

17 ANH TRUONG, Asst. Superv. Deputy City Attorney

18
19 By: 

20 MARIA AGUILON, Deputy City Attorney
21 Attorneys for Plaintiff, THE PEOPLE OF THE
22 STATE OF CALIFORNIA
23
24
25
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28

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12 Attorneys for Plaintiff

13 **NO FEE – GOVT CODE §6103**

14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

17 THE PEOPLE OF THE STATE OF
18 CALIFORNIA,

19 Plaintiff,

20 vs.

21 YIN SHENG SUEN, an Individual; LIAO
22 MEI LI, an Individual; and DOES 1 through
23 100, inclusive,

24 Defendants.

Case No.

**COMPLAINT TO ABATE,
PREVENT, AND ENJOIN A
NUISANCE UNDER PENAL CODE
SECTIONS 11225, ET SEQ. AND
FOR VIOLATIONS OF
CALIFORNIA BUSINESS &
PROFESSIONS CODE SECTIONS
17200, ET SEQ.**

(Unlimited Action)

25 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, allege as follows,
26 which allegations are on information and belief as to the Defendants:

27 ///

28 ///

INTRODUCTION

1
2 1. This action is brought and prosecuted by the People of the State of
3 California ("People") for the purpose of enjoining, abating and preventing a nuisance as
4 defined in Penal Code sections 11225, et seq. (the "Red Light Abatement Law") which
5 exists on the premises located at 1525 W. 8th Street, California 90017 (the "Property").
6 A business functioning as a motel, commonly known as "Statlor Motel" (referred to as
7 the "Motel" or "Business"), is located on the Property. YIN SHENG SUEN, an Individual;
8 LIAO MEI LI, an Individual and Does 1-100 ("Defendants") own and operate the
9 Business and are also the owners of the Property.

10 2. Defendants have directly or indirectly conducted, maintained or
11 permitted the Property to be used, from an exact date unknown, but at least since April
12 2009, for the purposes of lewd conduct, assignation and prostitution. In addition, the
13 People seek to enjoin Defendants' violations of the Unfair Competition Law (Business
14 and Profession Code sections 17200, et seq.) through this action. The People assert
15 their power to remedy these injuries to the public interest by seeking to enjoin
16 Defendants' future violations of law and to assess civil penalties against Defendants for
17 past violations of law.

GENERAL ALLEGATIONS

The Parties

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19
20 3. Plaintiff is the People of the State of California, acting through the Los
21 Angeles City Attorney, Carmen Trutanich, who brings this action pursuant to the
22 authority granted to him by Penal Code section 11226 and Business and Professions
23 Code section 17204.

24 4. At all relevant times, 1525 W. 8th Street, Los Angeles, California and
25 with the legal description of: Lot 12, in Block 11 of Fairmount Tract, as per map
26 recorded in Book 3, Pages 328 and 329 of Miscellaneous Records, in the office of the
27 county recorder of said county is real property located at 1525 W. 8th Street, Los
28 Angeles, County of Los Angeles, California 90017.

5. At all relevant times, Defendants were and are the owners of the Property and at all times mentioned herein have acted in such a capacity.

6. At least as of April 2009, a business known as Statlor Motel has been operating at the Property.

7. At all relevant times, Defendants been the owners and operators of the motel Business on the Property, and at all relevant times mentioned herein have acted in such a capacity.

8. Plaintiff is ignorant of the true names and capacities of DEFENDANTS DOES 1 through 100, inclusive, and as such, sues these defendants by such fictitious names pursuant to Section 474 of the California Code of Civil Procedure. Each such defendant is responsible in some manner for conducting, maintaining, or directly or indirectly permitting the unlawful activity complained of herein. When the true names and capacities of said defendants have been ascertained, Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of such fictitious names the true names and capacities of any fictitiously named defendants.

9. At all relevant times mentioned herein, all defendants were and are agents, lessors, lessees, servants, employees, partners and/or joint venturers of each other defendant, and at all times were acting within the course and scope of said relationship and with the consent of each of their co-defendants.

10. At all times mentioned herein, the City of Los Angeles, was and still is a municipal corporation with a population in excess of 750,000 people, organized and existing under the laws of the State of California pursuant to Business and Professions Code section 17204.

Jurisdiction and Venue

11. Each of the business acts and practices alleged herein were performed by Defendants, in whole or in part, in the City of Los Angeles.

12. The Property that is the subject of this action is located in the City of Los Angeles.

FIRST CAUSE OF ACTION
FOR VIOLATION OF THE RED LIGHT ABATEMENT LAW

[Penal Code section 11225 et seq.

Against All Defendants and

DOES 1 through 100]

13. The People incorporate paragraphs 1 through 12, above, as if fully realleged herein.

14. This action is brought and prosecuted for the purpose of enjoining and abating a red light nuisance, as defined in California Penal Code section 11225, et seq., which exists at 1525 W. 8th Street, Los Angeles, CA 90017.

15. Defendants have directly or indirectly conducted, maintained or permitted the Property to be used, from an exact date unknown but at least since April 2009, for the purposes of prostitution.

16. Since at least April 2009, the motel Business at the Property is a place where acts of prostitution are held or occur.

17. Since at least April 2009, LAPD officers have conducted numerous undercover vice investigations that resulted in the arrests of several individuals for prostitution and prostitution related crimes at the Business on the Property.

18. Since at least April 2009, LAPD officers have conducted checks of the motel register and found that the Business is not complying with registration requirements mandated by Los Angeles Municipal Code section 41.49.

19. The Business is located directly across the street from a grammar school and four other schools are within a couple of blocks of the Business. The Business has a deleterious impact on the neighborhood, in that prostitutes frequently roam the streets around the Business soliciting for customers that they eventually take over to the Business for prostitution.

20. The Business is frequented by prostitutes, some of them as young as 17, who are using the Business to complete prostitution transactions.

1 21. The motel is a nuisance per se because of the ongoing and continuous
2 prostitution activities occurring there since at least April 2009, and must therefore be
3 abated pursuant to the Red Light Abatement Law.

4 22. From April 2009 to the present, Defendants, and each of them, violated
5 the Red Light Abatement Law by maintaining or permitting, directly or indirectly,
6 nuisance prostitution acts to occur and/or by failing to abate or prevent nuisance
7 prostitution acts from occurring at the motel Business and/or the Property.

8 23. The Property has a reputation in the community as a location where
9 prostitution takes place.

10 24. The activity set forth in paragraphs 15 through 20 has been a
11 continuous and ongoing prostitution nuisance, under Penal Code sections 11225 et
12 seq., upon the Property.

13 25. Defendants, and each of them, have directly or indirectly conducted,
14 maintained or permitted the nuisance described in paragraphs 15 through 20.
15 Therefore, the nuisance existing at the Property must be abated and prevented in
16 accordance with Penal Code sections 11225-11235.

17 26. Plaintiff has no adequate remedy at law, and unless Defendants and
18 each of them are enjoined and restrained by order of the Court, they will continue to
19 directly or indirectly maintain or permit the nuisance prostitution acts to occur at the
20 motel Business and/or the Property to the irreparable damage of the community and in
21 violation of the law. The People have no plain, speedy, or adequate remedy at law, and
22 so request the injunctive relief that is expressly provided by Penal Code sections 11225-
23 11231.

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(For Unfair Competition – Violation of Business and Professions Code Section 17200 et seq. - Against All Defendants)

28. The practices prohibited by Business and Professions Code section 17200 are “any practices forbidden by law, be it civil or criminal, federal, state, or municipal, statutory, regulatory, or court-made. It is not necessary that the predicate law provide for private civil enforcement. As the California Supreme Court put it, section 17200 “‘borrows’ violations of other laws and treats them as unlawful practices independently actionable under section 17200 et seq.” (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal. App. 4th 861, 880 (internal citations and quotation marks omitted).)

29. The City of Los Angeles has a population in excess of 750,000 and the City Attorney for the City of Los Angeles brings the second cause of action alleged herein on behalf of the People, pursuant to Business and Professions Code section 17204, which provides that an action under Chapter 5 of Division 7 of the Business and Professions Code may be brought in the name of the People of the State of California by any city attorney of a city, or city and county, having a population in excess of 750,000.

30. From April 2009, to the present, Defendants violated the UCL by engaging in the following unlawful business acts and practices:

A. Directly or indirectly maintaining or permitting nuisance prostitution acts to occur at the Property in violation of Penal Code section 11225 et seq., as shown by each and every prostitution arrest made by the Los Angeles Police Department at the Property.

1 B. Failing to abate or prevent nuisance prostitution acts from occurring at
2 the Property in violation of Penal Code section 11225 et seq., as shown by each and
3 every prostitution arrest made by the Los Angeles Police Department at the Property.

4 C. Failing to maintain a motel register in compliance with Los Angeles
5 Municipal Code section 41.49.

6 32. From April 2009, to the present, Defendants violated the UCL by engaging
7 in the following unfair business acts and practices:

8 A. Directly or indirectly maintaining or permitting nuisance prostitution acts to
9 occur at the Property in violation of Penal Code section 11225 et seq., as shown by
10 each and every prostitution arrest made by the Los Angeles Police Department at the
11 Property.

12 B. Failing to abate or prevent nuisance prostitution acts from occurring at the
13 Property in violation of Penal Code section 11225 et seq., as shown by each and every
14 prostitution arrest made by the Los Angeles Police Department at the Property.

15 C. Renting motel rooms on an hourly or short term basis, thereby facilitating
16 prostitution activity.

17 D. Failing to train their employees and/or other persons working at the motel
18 to not rent to prostitutes and/or their customers.

19 33 Defendants' acts of unfair competition present a continuing threat to
20 the public's health, safety, and welfare. The People have no adequate remedy at law,
21 and unless Defendants are permanently enjoined and restrained by order of the Court,
22 they will continue to commit acts of unfair competition, and thereby continue to cause
23 irreparable harm to the public's health, safety, and welfare.

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1 **PRAYER**

2 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE
3 AND DECREE AS FOLLOWS:

4 **AS TO THE FIRST CAUSE OF ACTION**

5 1. Defendants, and each of them, and the Property, including all buildings
6 and structures thereon, be declared in violation of Penal Code section 11225, et seq.

7 2. That the Property, together with the fixtures and movable property therein
8 and thereon, be declared a nuisance and be permanently abated as such in accordance
9 with Penal Code section 11230.

10 3. That the Court grant preliminary and permanent injunctions in accordance
11 with Penal Code section 11225 et seq., enjoining and restraining Defendants, and each
12 of them, their agents, officers, employees and anyone acting on their behalf, from
13 conducting, permitting, maintaining, either directly or indirectly, the use of the Property
14 as a public nuisance.

15 4. That Defendants YIN SHENG SUEN and LIAO MEI LI be ordered to hire
16 and maintain a reputable, established and qualified property management company
17 ("PMC") to assist Defendants with the day-to-day management of the Property. That it
18 be ordered that the PMC has: (1) at least three years experience managing properties in
19 high-crime/high-prostitution neighborhoods; and, (2) at least three years experience
20 managing motel properties. That it be ordered that the PMC assign one full-time on-site
21 manager to manage the Property and that any manager must be screened prior to hiring
22 and have at least three years experience managing motels and at least three years
23 experience managing properties in high-crime high-prostitution neighborhoods.

24 5. That Defendants YIN SHENG SUEN and LIAO MEI LI be ordered to
25 reside in the Property until the nuisance is abated; or

26 6. That Defendants YIN SHENG SUEN and LIAO MEI LI employ a state
27 licensed security guard, in compliance with California Business and Professions Code
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1 section 7582.26(f), to be on duty on the Property, twenty-four hours per day, seven days
2 per week.

3 7. That as part of the Judgment, an Order of Abatement be Issued, and that
4 the Property be closed for a period of one year, not to be used for any purpose, and be
5 under the control and custody of this Court for said period of time.

6 8. That all fixtures and moveable property used in conducting, maintaining,
7 and/or permitting the nuisance at the Property be removed by LAPD and sold in the
8 manner provided for the sale of chattels under execution. Said fixtures and property
9 shall be inventoried and a list prepared and filed with this Court.

10 9. There shall be excepted from said sale such property to which title is
11 established in some third party not a defendant, nor agent, officer, employee or servant
12 of any Defendant in this proceeding. That the proceeds from said sale be deposited
13 with this Court for payment of the fees and costs of sale.

14 10. Such costs as may occur in closing said Property and keeping it closed,
15 removal of said property and such other costs as the Court shall deem proper.

16 11. If the proceeds of the sale do not fully discharge all such costs, fees and
17 allowances, the Property shall also be sold under execution issued upon the order of the
18 Court or judge and the proceeds of such sale shall be applied in a like manner.

19 12. Any excess monies remaining after payment of approved costs shall be
20 delivered to the owner of said Property. Ownership shall be established to the
21 satisfaction of this Court.

22 13. That the recordation of any judgment in this action constitute a lien prior to
23 any pre-existing liens held by Defendants in connection with the Property.

24 14. That the Defendants be required to obtain the Court's prior approval
25 before transferring, conveying, or encumbering, for consideration or otherwise, any
26 portion of the Property.

27 15. That the Defendants be ordered to immediately notify any transferees,
28 purchasers, commercial lessees, or other successors in interest to the subject Property

1 of the existence and application of any temporary restraining order, preliminary
2 injunction, or permanent injunction to all prospective transferees, purchasers,
3 commercial lessees, or other successors in interest, before entering into any agreement
4 to sell, lease or transfer the Property for consideration or otherwise, all or any portion of
5 the Property that is the subject of this action.

6 16. That the Defendants be ordered to immediately give a complete, legible
7 copy of any temporary restraining order and preliminary and permanent injunctions to all
8 prospective transferees, purchasers, commercial lessees, or other successors in
9 interest to the subject Property.

10 17. That the Defendants be ordered to immediately request and procure
11 signatures from all prospective transferees, purchasers, commercial lessees, or other
12 successors in interest to the subject Property, which acknowledges his/her respective
13 receipt of a complete, legible copy of any temporary restraining order, preliminary and
14 permanent injunction, and deliver a copy of such acknowledgment to the Los Angeles
15 City Attorney's Office, c/o Deputy City Attorney Maria Aguillon.

16 18. That Plaintiff recover the costs of this action, including LAPD investigative
17 costs and attorneys' fees pursuant to California Civil Code section 3496(b).

18 19. That Plaintiff recover the amount of filing fees and the amount of fee for
19 service of process or notices which would have been paid but for Government Code
20 section 6103.5.

21 That Defendants, and each of them, be assessed a civil penalty in an amount not to
22 exceed twenty-five thousand dollars (\$25,000.00)..

23 **AS TO THE SECOND CAUSE OF ACTION:**

24 20. That Defendants and their agents, officers, employees and anyone acting
25 on their behalf be declared in violation of Business and Professions Code section 17200
26 et seq.
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1 21. That Defendants and their agents, officers, employees and anyone acting
2 on their behalf be permanently enjoined from maintaining, operating, or permitting any
3 act or unfair or unlawful competition in violation of Business and Professions Code
4 sections 17200 et seq.

5 22. That the Court grant a preliminary and permanent injunction against
6 Defendants and their agents, officers, employees and anyone acting on his behalf
7 abating the continuation of the unfair or unlawful competition as herein described on the
8 Property and ordering that the conditions and activities, as herein described, be
9 corrected and eliminated from the Property.

10 23. That pursuant to Business and Professions Code sections 17200 et seq.,
11 Defendants and their agents, officers, employees and anyone acting on his behalf be
12 assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00), for each
13 and every act of unfair and unlawful competition, including and not limited to violations
14 of section 11225, et seq. of the Penal Code, the Red Light Abatement Act.

15 **ON ALL CAUSES OF ACTION:**

16 24. That Plaintiff be granted such other and further relief as the Court deems
17 just and proper.

18
19 DATED: October 23, 2012

Respectfully submitted,

20 CARMEN A. TRUTANICH, City Attorney
21 ASHA GREENBERG, Managing Assistant City Attorney
22 ANH TRUONG, Asst. Superv. Deputy City Attorney

23 By: _____
24 MARIA AGUILLON, Deputy City Attorney
25 Attorneys for Plaintiff, THE PEOPLE OF THE
26 STATE OF CALIFORNIA
27
28

1 JUSTIN K. STRASSBURG – State Bar No. 238504
2 STRASSBURG, GILMORE & WEI, LLP
3 1250 E. Walnut St., #136
4 Pasadena, California 91106
5 Telephone: (626) 683-9933
6 Facsimile: (626) 683-9944

7
8 Attorneys for Defendants,
9 YIN SHENG SUEN, LIAO MEI LI

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

YIN SHENG SUEN, an Individual; LIAO MEI
LI, an Individual; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.: BC494438

ANSWER TO PLAINTIFF'S COMPLAINT

GENERAL DENIAL

1. Pursuant to the provisions of California Code of Civil Procedure §431.30(d), Defendants YIN SHENG SUEN, an Individual; LIAO MEI LI, ("Defendants") for themselves, generally and specifically denies each and every allegation of Plaintiffs' complaint, including each and every purported cause of action contained therein, and the whole thereof, denies that Plaintiff was injured or damaged in the amount or manner specified, or otherwise; and further denies that Plaintiff is entitled to the relief claimed, or any relief, on the grounds alleged, or otherwise.

1 As separate and affirmative defenses to the complaint, defendant further alleges:

2 **FIRST AFFIRMATIVE DEFENSE**

3 **FAILURE TO STATE A CAUSE OF ACTION**

4 2. As a defense to all causes of action, Defendant alleges that Plaintiffs' complaint, and each and
5 every purported cause of action therein, fails to state facts sufficient to constitute a cause of
6 action against this answering Defendant.

7 **SECOND AFFIRMATIVE DEFENSE**

8 **UNCERTAINTY OF PLEADING**

9 3. As a defense to all causes of action, Defendant alleges that the complaint, and each and every
10 purported cause of action therein, is vague and uncertain.

11 **THIRD AFFIRMATIVE DEFENSE**

12 **STATUTE OF LIMITATIONS**

13 4. As a defense to all causes of action, Defendant alleges that the complaint, and each and every
14 purported cause of action therein is barred, in whole or in part, by the applicable statute of
15 limitations, including without limitation California Code of Civil Procedure §§337, 338, 339,
16 340, and 343.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 **LACK OF CAUSATION**

19 5. As a defense to all causes of action, and without admitting that Plaintiffs suffered any damages
20 whatsoever, Defendant is informed and believes, and thereon alleges that to the extent Plaintiffs
21 suffered any damages, such damages were not directly or proximately caused by the alleged
22 misrepresentations, omissions, failures to disclose, negligence or breaches alleged in the
23 complaint, or by any other actions, omissions, failures to disclose, negligence or breaches of
24 Defendant.

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1 **FIFTH AFFIRMATIVE DEFENSE**

2 **PLAINTIFF'S OWN NEGLIGENCE, OMISSIONS,**

3 **LACK OF DILIGENCE AND BREACHES**

4 6. As a defense to all causes of action, and without admitting that Plaintiffs suffered any damages
5 whatsoever, Defendant is informed and believes, and thereon alleges that to the extent Plaintiffs
6 suffered any damages, such damages resulted naturally, directly, and proximately from the
7 negligence, omissions, lack of diligence, failure to investigate, breaches, or assumption of risk of
8 Plaintiffs, and thus Plaintiffs should be barred from recovery in this action, or, if Plaintiffs are
9 permitted to recover, their recover should be reduced by the amount attributable to the
10 negligence, omissions, lack of diligence, failure to investigate, breaches, or assumption of risk of
11 Plaintiffs.

12 **SIXTH AFFIRMATIVE DEFENSE**

13 **PLAINTIFFS' CONSENT**

14 7. As a defense to all causes of action, Defendant alleges that at all times mentioned, Plaintiffs
15 consented to and approved all the acts, events and/or omissions about which they now
16 complains, and therefore Plaintiffs is barred from pursuing this action.

17 **SEVENTH AFFIRMATIVE DEFENSE**

18 **PLAINTIFFS' BAD FAITH**

19 8. As a defense to all causes of action, Defendant alleges that Plaintiffs acted in bad faith in the
20 matters alleged, and deliberately violated their policies, procedures, and practices, thereby
21 causing and/or contributing to their own injuries, damages, attorneys fees, or litigation costs, if
22 any.

23 **EIGHT AFFIRMATIVE DEFENSE**

24 **PLAINTIFFS' WAIVER**

25 9. As a defense to all causes of action, Defendant alleges that by their own acts, omissions, or
26 words, Plaintiffs' claims are barred by the doctrine of waiver.

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1 **NINTH AFFIRMATIVE DEFENSE**

2 **ESTOPPEL**

3 10. As a defense to all causes of action, Defendant alleges that by their own acts or failures to act,
4 Plaintiffs are estopped from asserting the causes of action alleged in the complaint.

5 **TENTH AFFIRMATIVE DEFENSE**

6 **LACHES/UNREASONABLE DELAY**

7 11. As a defense to all causes of action, Defendant alleges that the complaint and each any every
8 purported cause of action therein, is barred in whole or in part, by Plaintiffs' laches and
9 unreasonable delay.

10 **ELEVENTH AFFIRMATIVE DEFENSE**

11 **PLAINTIFFS' UNCLEAN HANDS**

12 12. As a defense to all causes of action, Defendant alleges that Plaintiffs' claims are barred by the
13 doctrine of In Pari Delicto and unclean hands.

14 **TWELFTH AFFIRMATIVE DEFENSE**

15 **WILLFUL MISCONDUCT OF OTHERS**

16 13. As a defense to all causes of action, Defendant alleges that any intentional or willful misconduct,
17 if committed at all, was committed by other parties, eliminating any alleged liability of
18 Defendant.

19 **THIRTEENTH AFFIRMATIVE DEFENSE**

20 **HARM CAUSED BY ACTION OF THIRD PARTY**

21 14. As a defense to all causes of action, Defendant alleges that other parties' unforeseeable actions
22 caused all of the harm, if any to Plaintiffs.

23 **FOURTEENTH AFFIRMATIVE DEFENSE**

24 **COMPARATIVE FAULT AND CONTRIBUTORY NEGLIGENCE**

25 15. As a defense to all causes of action, other parties and Plaintiffs' own negligence, recklessness,
26 and/or intentional wrongdoing in association with the transactions and events alleged in the
27 complaint caused plaintiff harm, if any. Accordingly, Plaintiffs are barred from recovery from
28

1 Defendant, or if Plaintiffs are permitted to recover, such recovery should be proportionately
2 reduced commensurate with Plaintiffs' fault.

3 **FIFTEENTH AFFIRMATIVE DEFENSE**

4 **FAILURE TO MITIGATE DAMAGES**

5 16. As a defense to all causes of action, Defendant alleges that Plaintiffs are not entitled to recover
6 by reason of failure to mitigate their damages, if any.

7 **SIXTEENTH AFFIRMATIVE DEFENSE**

8 **FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES**

9 17. As a defense to all causes of action, Defendant alleges that Plaintiffs' claims are barred because
10 they have failed to exhaust the applicable administrative remedies.

11 **SEVENTEENTH AFFIRMATIVE DEFENSE**

12 **UNCONSTITUTIONALITY OF PUNITIVE DAMAGES**

13 18. Any punitive damages award against Defendant would be unconstitutional.

14 **EIGHTEENTH AFFIRMATIVE DEFENSE**

15 **LACK OF STANDING**

16 19. As a defense to all causes of action, Defendant alleges that Plaintiffs lack the requisite standing
17 to bring the claims alleged in the complaint, in their own behalf or on behalf of others allegedly
18 similarly situated.

19 **NINETEENTH AFFIRMATIVE DEFENSE**

20 **RESERVATION OF ALL AFFIRMATIVE DEFENSES**

21 20. Defendant reserves any and all affirmative defenses not specifically plead herein.
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1 **WHEREFORE**, Defendant prays as follows:

- 2 1. That Plaintiff take nothing by way of this action;
3 2. That Defendant recovers costs of suit incurred herein, including attorneys fees;
4 3. For such other and further relief as the Court deems just and proper.

5
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7
8 DATED: November 29, 2012

STRASSBURG, GILMORE & WEI, LLP

9
10 By: 

11 JUSTIN K. STRASSBURG
12 Attorneys for Defendants,
13 YIN SHENG SUEN;
14 LIAO MEILI
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action; my business address is 1250 E. Walnut St., #136, Pasadena, CA
91106.

5 On November 30, 2012, I served the foregoing document(s) described as:

6 **DEFENDANTS' ANSWER**

7 on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed
8 envelope addressed as follows:

9 **SEE ATTACHED SERVICE LIST**

- 10 ☐ **(BY MAIL)** I deposited such envelope(s) in the mail at Los Angeles, California. The
11 envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the
12 firm's practice of collection and processing correspondence for mailing. Under that practice
13 it would be deposited with U.S. postal service on that same day with postage thereon fully
14 prepaid at Los Angeles, California in the ordinary course of business. I am aware that on
15 motion of the party served, service is presumed invalid if postal cancellation date or postage
16 meter date is more than one day after date of deposit for mailing in affidavit.
- 17 ☒ **(BY OVERNIGHT DELIVERY)** I placed said documents in envelope(s) for collection
18 following ordinary business practices, at the business offices of STRASSBURG, GILMORE
19 & WEI, LLP, and addressed as shown on the attached service list, for collection and delivery
20 to a courier authorized by _____ to receive said documents, with
21 delivery fees provided for. I am readily familiar with the practices of STRASSBURG,
22 GILMORE & WEI, LLP, for collection and processing of documents for overnight delivery,
23 and said envelope(s) will be deposited for receipt by _____ on said
24 date in the ordinary course of business.
- 25 ☐ **(BY FACSIMILE)** I served by facsimile a true copy of the above-described document. I
26 am "readily familiar" with this firm's practice of processing correspondence by fax. Under
27 that practice documents are placed in our fax machine and are processed and received
28 simultaneously at their destination. The above-referenced document(s) was placed in the fax
machine with all costs of faxing prepaid, directed to each party (using their fax number),
listed on the attached Service List. Once the document has been transmitted, the fax machine
provides a report indicating time of completion.
- ☐ **(BY PERSONAL SERVICE)** I delivered such envelope(s) by hand to the offices of the
addressee(s).
- ☒ **(State)** I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.
- ☐ **(Federal)** I declare that I am employed in the office of a member of the bar of this court at
whose direction the service was made. I declare under penalty of perjury that the
above is true and correct.

Executed on November 30, 2012 at Pasadena, California.

JUSTIN STRASSBURG

Type or Print Name

Signature 

SERVICE LIST

Carmen Trutanich, City Attorney
Maria Aguillon, Deputy City Attorney
200 N. Main St., Ste. 966
Los Angeles, CA 90012

Tel: (213) 978-4090
Fax: (213) 978-8717

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SEP 08 2009

John A. Clarke, Executive Officer/Clerk
By (S) Deputy
SHAUNYA WESLEY

CARMEN A. TRUTANICH, City Attorney
ASHA GREENBERG, Managing Asst. City Attorney, SBN 107375
ANH TRUONG, Assistant Supervising DCA, SBN 210435
MARIA AGUILLON, DCA, SBN 199851
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Los Angeles, California 90025
Telephone: 310.575.8500
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E-Mail: maria.aguillon@lacity.org

Attorneys for Plaintiff

NO FEE - GOV'T CODE §6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

NUBIA ESTRADA VEGA, an individual and doing
business as "Tina's Bar"; ARGENTINA ESTRADA,
also known as TINA ESTRADA, an individual and
doing business as "Tina's Bar"; CRUZ BARTOLO
RIVAS, an individual; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: BC

BC421339

COMPLAINT FOR ABATEMENT
AND INJUNCTION

(CALIFORNIA BUSINESS AND
PROFESSIONS CODE SECTION
17200, ET SEQ.; CALIFORNIA CIVIL
CODE SECTION 3479; HEALTH
AND SAFETY CODE SECTION
11570, ET SEQ.)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows, which
allegations are upon information and belief insofar as they pertain to the conduct of
defendants:

I. INTRODUCTION

1. This abatement action, filed by the Los Angeles City Attorney's Office, is brought
and prosecuted for the purpose of enjoining, abating and preventing unlawful and unfair

business practices and nuisance activity -- pursuant to California Business and Professions Code Section 17200 ("Unfair Competition Law"), California Civil Code sections 3479 and 3480 ("Public Nuisance Laws") and California Health and Safety Code section 11570, et seq. ("Narcotics Abatement Law") -- that exist and occur at a bar, known as Tina's Bar, located at 4528 Avalon Boulevard in South-Central Los Angeles, California (referred hereinafter as "Tina's Bar" or the "Bar").

II. GENERAL ALLEGATIONS

A. Plaintiff

2. Plaintiff, the People of the State of California ("Plaintiff" or "the People"), acting through the Los Angeles City Attorney, Carmen A. Trutanich brings the first cause of action pursuant to the authority granted to him by Business and Professions Code section 17204; the second cause of action pursuant to the authority granted to the Los Angeles City Attorney by Code of Civil Procedure section 731; and the third cause of action pursuant to authority granted to him by Health and Safety Code section 11571.

B. The Property

3. The Property includes: A commercial space, which is commonly known as Tina's Bar at 4528 Avalon Boulevard, Los Angeles, California and is more specifically described as: Lot 1 of Orange Grove Place, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 3, Page 76 of Maps, in the office of the County Recorder of said county.

Except the Northerly 38 feet thereof.

Also except all oil, gas, hydrocarbon and other mineral substances situated below 500 feet from the surface of said property, but without right of surface entry, as reserved in deed recorded November 23, 1973 as Instrument No. 416 Official Records (referred to hereafter as the "Property").

4. The Defendants have directly or indirectly conducted, maintained or permitted a nuisance at the Property from an exact date unknown, but at least since January 9, 2008.

///

1 **C. Defendants**

2 5. Defendant Cruz Bartolo Rivas is and has been the owner of the Property since
3 March 12, 2004 and has leased the Property to Defendants Nubia Estrada Vega, Argentina
4 Estrada, or DOES 1 through 50 for over three (3) years. At all times mentioned herein, Rivas
5 has acted in the capacity of owner and/or lessor of the Property.

6 6. Defendant Nubia Estrada Vega, individually and doing business as Tina's Bar, is
7 the owner and operator of the bar commonly known as Tina's Bar located at the Property, and
8 at all relevant times mentioned, but at least since July 21, 2005, has owned, possessed,
9 controlled, leased, maintained, operated, managed or supervised Tina's Bar and at all times
10 mentioned herein, has acted in that capacity.

11 7. Defendant Argentina Estrada (also known as Tina Estrada), individually and
12 doing business as Tina's Bar, is the owner and operator of the bar commonly known as Tina's
13 Bar located at the Property, and at all relevant times mentioned, but at least since July 21,
14 2005, has owned, possessed, controlled, leased, maintained, operated, managed or
15 supervised Tina's Bar and at all times mentioned herein, has acted in that capacity.

16 8. Plaintiff is ignorant of the true names and capacities of Defendant DOES 1
17 through 50, inclusive, and as such sues these Defendants by such fictitious names pursuant to
18 Section 474 of the California Code of Civil Procedure. Each such Defendant is responsible in
19 some manner for conducting, maintaining, or directly or indirectly permitting the nuisance
20 complained of herein. When the true names and capacities of said Defendants have been
21 ascertained, Plaintiff will ask leave of the court to amend this complaint and to insert in lieu of
22 such fictitious names the true names and capacities of any fictitiously named Defendants.

23 9. At all relevant times mentioned herein, Defendants Cruz Bartolo Rivas, Nubia
24 Estrada Vega, Argentina Estrada (also known as Tina Estrada) and all Defendants sued as
25 Doe Defendants were and are agents, lessors, lessees, servants, employees, partners and/or
26 joint venturers of each other Defendant, and at all times were acting within the course and
27 scope of said relationship and with the consent of each of their co-Defendants.

28 ///

1 **III. FIRST CAUSE OF ACTION FOR VIOLATION OF UNFAIR COMPETITION LAW**

2 **[For Business and Professions Code section 17200, et seq. Against**

3 **All Defendants and DOES 1 through 50]**

4 10. Plaintiff hereby incorporates by reference paragraphs 1 through 9 of this
5 Complaint and makes them part of this First Cause of Action, as if fully set forth herein.

6 **UNFAIR COMPETITION LAW**

7 11. The practices forbidden by Business and Professions Code section 17200 are
8 any practices forbidden by law, be they criminal, federal, state, municipal, statutory, regulatory
9 or court-made. It is not necessary that the predicate law provide for civil enforcement. As the
10 California Supreme Court explained, section 17200 "borrows" violations of other laws and
11 treats them as unlawful practices independently actionable under section 17200 et seq."
12 (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880
13 (internal citations and quotation marks omitted).)

14 12. "An 'unlawful business activity' includes anything that can properly be called a
15 business practice and that at the same time is forbidden by law." (*People v. McKale* (1979) 25
16 Cal.3d 626, 632.) A public entity can sue pursuant to section 17200 based on violations of its
17 own municipal code, state law, or other local ordinance. (*People v. Thomas Shelton Powers,*
18 *M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.) Moreover, section 17200 casts a broad net.
19 "Any person performing or proposing to perform an act of unfair competition may be enjoined
20" (Bus. & Profs. Code § 17203 [emphasis added].) The term person includes "natural
21 persons, corporations, firms, partnerships, joint stock companies, associations and other
22 organizations of persons." (Bus. & Profs. Code § 17201.) The courts have expanded section
23 17200's net beyond direct liability to include common law doctrines of secondary liability where
24 the liability of each defendant is predicated on his or her personal participation in the unlawful
25 practices. (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n*
26 (2002) 95 Cal.App.4th 952, 960.)

27 13. Civil actions under section 17200 may be brought in the name of the People of
28 the State of California by any city attorney of a city having a population in excess of 750,000

1 (Bus. & Profs. Code § 17204), such as the City of Los Angeles. A public entity can sue
2 pursuant to section 17200 based on violations of its own municipal code, state law, or other
3 local ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-
4 339.)

5 14. Defendants committing unlawful and/or unfair competition may be enjoined in
6 any court of competent jurisdiction. (Bus. & Profs. Code § 17203.) A court may make such
7 orders or judgments as may be necessary to prevent the use or employment by any person of
8 any practice constituting unfair competition. (*Id.*)

9 15. From an exact date unknown, but at least since January 9, 2008, Defendants
10 Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada and DOES 1 through 50, have
11 violated the Unfair Competition Law, Business and Professions Code section 17200, et seq.,
12 by engaging in unlawful and/or unfair business acts or practices in relation to their ownership
13 and/or management of the Property and the Bar. Such unlawful or unfair business acts and
14 practices at the Property and/or Bar, include, but are not limited to, the following conduct:

- 15 a. Narcotics Transactions (in violation of Health and Safety Code section
16 11570, et seq.).
- 17 b. Illegal Purchase of Alcohol (in violation of Penal Code sections 496 and 664
18 (attempt to receive stolen property) and Business and Professions Code
19 section 23402 (purchase of alcohol from unlicensed dealer)).
- 20 c. Illegal Purchase of Tobacco (in violation of 26 U.S.C. section 5751(a)(1)(A)
21 (illegal purchase of untaxed cigarettes)).
- 22 d. Illegal Sales of Tobacco (in violation of Los Angeles Municipal Code
23 ("LAMC") section 46.91).
- 24 e. Failure to Maintain Appropriate Business Permits (including and not limited
25 to, failure to have a jukebox permit (a violation of LAMC section 21.64),
26 failure to have a dance hall permit (a violation of LAMC section 103.106),
27 failure to have a permit to sell cigarettes (a violation of LAMC section
28 46.91), and failure to have a pool hall permit (a violation of LAMC section

103.112(b)).

16. On **January 9, 2008**, Los Angeles Police Department ("LAPD") officers entered the Bar to conduct an Alcohol Beverage Control Act ("ABC") compliance check. As they entered, the officers noticed that individuals were playing pool inside the Bar. The officers met with Ana Galindo, who was identified as the manager of the Bar. The officers requested a permit for operating the pool table. Galindo was unable to present a tax permit for the operation of a pool table nor was a license posted. Galindo was arrested for operating a pool table without a pool hall permit (a violation of LAMC section 103.112(b)).

17. On **January 15, 2008**, LAPD officers entered the Bar to conduct an ABC compliance check. As they entered, the officers noticed that two males were playing pool. The officers met with Susana Angelica Cruz, who was identified as the manager of the Bar. The officers requested a permit for operating the pool table. Cruz was unable to present a tax permit for the operation of a pool table nor was a license posted. Cruz was arrested for operating a pool table without a pool hall permit (a violation of LAMC section 103.112(b)).

18. On **June 11, 2008**, the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and LAPD officers, acting in an undercover capacity, went to the Bar. The officers arrived at the Bar and asked for the owner. The officers were told that the owner was not present. But, shortly thereafter a female who identified herself as "Tina" arrived at the Bar. "Tina" was later identified as Defendant Argentina Estrada. The officers offered to sell Defendant Argentina Estrada stolen beer and stolen untaxed/unstamped cigarettes and she asked the officers how much the beer was and told them that she was paying \$13 for a case of Bud-Lite. The officers told Defendant Argentina Estrada that they would work out a price if she bought beer in bulk. Defendant Argentina Estrada purchased two (2) cartons of untaxed/unstamped Marlboro brand cigarettes and bought two (2) cases (60 cans) of Bud-Lite beer and paid the officers \$66 dollars (\$40 for the cigarettes and \$26 for the beer) in violation of 26 U.S.C. section 5751(a)(1)(A) (illegal purchase of untaxed cigarettes), Penal Code sections 496 and 664 (attempt to receive stolen property) and Business and Professions Code section 23402 (purchase of alcohol from unlicensed dealer).

1 19. During the **June 11, 2008** undercover investigation at the Bar, the officers
2 noticed several male and females dancing next to a music jukebox inside the Bar. The
3 majority of the patrons were smoking inside the Bar and there was a rack displaying several
4 brands of cigarettes for sale. The Bar does not have a jukebox permit, dance hall permit or
5 permit to sell cigarettes in violation of LAMC sections 21.64 (requiring permit for jukebox),
6 46.91 (requiring tobacco retailer's permit) and 103.106 (requiring permit for dance hall and
7 public dancing).

8 20. On **June 12, 2008**, ATF and LAPD officers, acting in an undercover capacity,
9 went to the Bar. The officers asked the bartender for "Tina," who had been previously
10 identified as Defendant Argentina Estrada. The officers were told that "Tina" was not at the
11 Bar. The officers telephoned "Tina" with a phone number she had previously provided to them.
12 Defendant Argentina Estrada answered the phone and asked the officers the type of beer they
13 had for sale and then told the officers that the bartender would be coming out to purchase beer
14 on Defendant Argentina Estrada's behalf. Moments after hanging up with Defendant Argentina
15 Estrada, a female, who was later identified as Ana Galindo, exited the Bar and told the officers
16 that "Tina" had asked her to purchase four (4) cases (120 cans) of Bud- Lite beer from them.
17 Ana Galindo paid the officers \$52 for the beer in violation of Penal Code sections 496 and 664
18 (attempt to receive stolen property) and Business and Professions Code section 23402
19 (purchase of alcohol from unlicensed dealer). The officers also offered Galindo
20 "stolen/untaxed" cigarettes for sale. Galindo told the officers that Tina wanted to purchase
21 Corona beer.

22 21. During the **June 12, 2008** investigation at the Bar, ATF and LAPD undercover
23 officers observed male and female patrons dancing to loud music coming from a jukebox
24 inside the Bar. The Bar does not have a jukebox permit or a dance hall permit in violation of
25 LAMC sections 21.64 (requiring permit for jukebox) and 103.106 (requiring permit for dance
26 hall and public dancing).

27 22. On **June 26, 2008**, ATF and LAPD officers, acting in an undercover capacity,
28 went to the Bar. The officers arrived at the Bar and asked to speak with Defendant Argentina

1 Estrada. Defendant Argentina Estrada exited the Bar and asked the officers what they were
2 selling. The officers told Defendant Argentina Estrada that they had stolen Corona, Bud-Lite
3 and Heineken beer for sale. Argentina asked the officers if they had cigarettes. The officers
4 told Defendant Argentina Estrada that everything they were selling was stolen and therefore
5 had limited inventory. Defendant Argentina Estrada bought five (5) cases (120 bottles) of
6 Corona beer, five (5) packs (150 cans) of Bud-Lite beer, and two (2) cases (48 bottles) of
7 Heineken beer and paid the officers \$205 for the beer in violation of Penal Code sections 496
8 and 664 (attempt to receive stolen property) and Business and Professions Code section
9 23402 (purchase of alcohol from unlicensed dealer). At the end of the sale, Defendant
10 Argentina Estrada again told the officers that she wanted to purchase stolen cigarettes and
11 asked for two (2) cartons of Marlboro Lights and two (2) cartons of Marlboro Reds in violation
12 of 26 U.S.C. section 5751(a)(1)(A) (illegal purchase of untaxed cigarettes). Defendant
13 Argentina Estrada gave the officers her phone number and insisted they call her regarding her
14 order.

15 23. In the afternoon of **July 24, 2008**, LAPD officers contacted Defendant Argentina
16 Estrada by telephone and arranged to meet her at the Bar that evening. During the
17 conversation, Defendant Argentina Estrada stated that she wanted to purchase ten (10) cases
18 (240 bottles) of Corona beer, two (2) packs (60 cans) of Bud-Lite beer, and two (2) cases (48
19 bottles) of Heineken beer. Defendant Argentina Estrada also told the officers she wanted to
20 order cigarettes and that she would meet them at the Bar around 7:45 p.m. That evening
21 around 8:15 p.m., the undercover officers met with Defendant Argentina Estrada, who
22 purchased several cases of beer and paid the officers \$266 for the beer in violation of Penal
23 Code sections 496 and 664 (attempt to receive stolen property) and Business and Professions
24 Code section 23402 (purchase of alcohol from unlicensed dealer). During the transaction,
25 Defendant Argentina Estrada again requested an order of cigarettes in violation of 26 U.S.C.
26 section 5751(a)(1)(A) (illegal purchase of untaxed cigarettes).

27 24. On **August 1, 2008**, ATF and LAPD officers, acting in an undercover capacity,
28 went to the Bar. The officers entered the Bar, approached the bartender and asked him for the

owner, "Argentina." The bartender told the officers that "Argentina" was not there. The officers exited the Bar and called Defendant Argentina Estrada, using a phone number that she had previously provided the officers. Defendant Argentina Estrada answered the phone and the officers told her that they had several cases of "stolen" beer and "stolen" untaxed cigarettes for sale. Defendant Argentina Estrada told the officers that she was at home and asked to speak to her son, "Eddie", who was at the Bar. "Eddie" who turned out to be the Bar's bartender, was contacted and he spoke to Defendant Argentina Estrada. After speaking with Defendant Argentina Estrada, "Eddie" told the officers that he was going to check his stock of alcohol and cigarettes and would return. After checking inventory, Eddie returned and asked the officers for 5 cases (120 bottles) of Corona beer and two (60 cans) packs of Bud-Lite beer. The officers gave "Eddie" the beer and he paid them \$126 for the beer in violation of Penal Code sections 496 and 664 (attempt to receive stolen property) and Business and Professions Code section 23402 (purchase of alcohol from unlicensed dealer).

25. "Eddie" also purchased two (2) pairs of "stolen" tennis shoes from the officers for \$40 in violation of Penal Code sections 496 and 664 (attempt to receive stolen property). The officers also sold "stolen" tennis shoes and "stolen" purses to multiple people at the Bar.

26. On August 1, 2008, the officers also had independent conversations with a male and a female patron at the Bar regarding narcotics sales at the Bar.

27. The male Bar patron, who was identified as a member of the Playboys criminal street gang, called himself "Flea" and told an officer that he "has a close working relationship with the staff and owner of Tina's Bar." Flea told the officer that he regularly sells narcotics inside and around the Bar. Flea then offered to sell the officer crystal methamphetamine and powder cocaine. Flea offered the officer an ounce of methamphetamine for \$1,100 and gave the officer a sample of the methamphetamine he was selling. The officer asked Flea about handguns and Flea told the officer that he regularly acquires weapons from Nevada and Arizona and sells them locally. Flea also purchased three (3) pairs of "stolen" tennis shoes for \$50 from the officers in violation of Penal Code sections 496 and 664 (attempt to receive stolen property).

1 28. The female Bar patron, who identified herself to the officers as "Annie," also
2 offered to sell crystal methamphetamine to the officers. She offered to match Flea's \$1,100
3 price for an ounce of methamphetamine and handed the officer a baggie with
4 methamphetamine stating that the methamphetamine was worth more than \$20. The officer
5 paid Annie \$20 and gave her a "stolen" purse for the methamphetamine.

6 29. On **February 20, 2009**, ATF and LAPD officers, acting in an undercover
7 capacity, went to the Bar. Prior to entering the location, they could hear loud music emitting
8 from the front door of the Bar. The officers entered the Bar and approached a bartender, who
9 had been previously identified as Ana Galindo, the daughter-in-law of Defendant Argentina
10 Estrada. Galindo told the officers that she would call the owner of the Bar, who Galindo
11 identified as "Tina" (Defendant Argentina Estrada). Shortly thereafter, Defendant Argentina
12 Estrada called one of the undercover officers. The officers told Defendant Argentina Estrada
13 that they had several cases of "stolen" alcohol and "stolen" untaxed cigarettes for sale.
14 Estrada identified herself as the owner of the Bar and told the officers that she was home for
15 the night, but on the next visit, she would purchase 30-40 cases of alcohol.

16 30. During the investigation on **February 20, 2009**, a female, later identified as Ana
17 Bautista, arrived at the Bar in a cab. Bautista approached one of officers and sold him 1.9
18 gross grams of methamphetamine. While inside the Bar, the officers observed people dancing
19 on a small dance floor, people playing pool, and behind the counter, there were cigarettes
20 displayed for sale. The Bar does not have a jukebox permit, dance hall permit or permit to sell
21 cigarettes in violation of LAMC sections 21.64 (requiring permit for jukebox), 46.91 (requiring
22 tobacco retailer's permit) and 103.106 (requiring permit for dance hall and public dancing).

23 31. On **April 22, 2009**, LAPD officers were at the Bar conducting an inspection.
24 While inside the Bar, they saw a male, banging his hand on a wall. The male then walked
25 slowly back to the bar area as he did so, he had to catch his balance by grabbing the tables
26 and chairs on his way towards the bar area. The officers noticed the male had blood shot eyes
27 and an unsteady gait. The male was unable to speak coherently and slurred his speech as he
28 attempted to talk to females inside the Bar. The male, made it to the bar area and sat on a bar

1 stool next to an undercover officer. The officer immediately smelled a strong odor of alcohol
2 emitting off the male. The Bar's bartender, later identified as Maria Rueda, walked up to where
3 the male was seated. The undercover officer heard the male ask Rueda for a beer. Rueda
4 retrieved a 12-oz bottle of Corona beer from behind the bar, opened the bottle and gave it the
5 male. The male paid Rueda for the beer and began to drink it. The officers could see that the
6 male was obviously intoxicated and that Rueda had observed the objective symptoms that the
7 male was providing by watching and engaging in conversation with the male. Based on
8 Rueda's sale of alcohol to an obviously intoxicated individual, she was arrested for sales of
9 alcohol to an obviously intoxicated individual (in violation of Business and Professions Code
10 section 25602(a)). The intoxicated male was transported to an LAPD police station where he
11 consented to two breathalyzer tests, which showed that his blood alcohol count was 0.27, over
12 three times the legal limit.

13 32. On April 22, 2009, the officers also conducted an upfront ABC inspection of the
14 location and while conducting the inspection located a partially filled 1-liter bottle of Hennessy
15 Privilege VSOP Cognac. The Bar's ABC license only permits the sale/possession of beer and
16 wine on the premises. Rueda was advised that the possession of the distilled spirit on the
17 licensed premise violated Business and Professions Code section 25607 (prohibiting ABC
18 licensee from having any alcoholic beverages other than the alcoholic beverage which the
19 licensee is authorized to sell on licensee's premises).

20 33. The officers contacted the owner of the Bar, Defendant Nubia Estrada Vega,
21 ("Vega") who was advised of the violations occurring within her establishment and was asked
22 to come to the Bar. While the officers were waiting for Vega, a female, later identified as
23 Imelda Ruvalcaba, told the officers that she was a family member of Vega's and could take
24 over the responsibilities of the Bar. The officers conducted a want/warrant check of Ruvalcaba
25 and found that she had two outstanding warrants, and she was taken into custody for the
26 outstanding warrants.

27 34. When Vega arrived she was advised of the violations at the Bar and was also
28 informed that the jukebox had been playing extremely loud when the officers entered the

1 location. Vega was advised that the volume of the jukebox would have to be turned down and
2 the officers asked to see Vega's permit for a jukebox. Vega could not provide a tax permit for
3 the jukebox. Vega was cited for failure to have a tax permit for the jukebox at the Bar (a
4 violation of LAMC section 21.64(a)).

5 35. On May 8, 2009, ATF and LAPD officers, acting in an undercover capacity, went
6 to the Bar. The officers entered the Bar and contacted the Bar's bartender, previously
7 identified as Ana Galindo, to inquire whether the Bar was going to purchase "stolen" beer.
8 Galindo told the law enforcement officers that she had to call the owner "Tina", previously
9 identified as Defendant Argentina Estrada, to verify how much of the "stolen" beer to purchase.
10 Galindo purchased fifteen cases of "stolen" beer for \$300 in violation of Penal Code sections
11 496 and 664 (attempt to receive stolen property) and Business and Professions Code section
12 23402 (purchase of alcohol from unlicensed dealer).

13 36. On May 8, 2009, while inside the Bar, the law enforcement officers saw people
14 dancing on a small dance floor, people playing pool, and behind the counter, there were
15 cigarettes for sale displayed on a rack. The Bar does not have a jukebox permit, dance hall
16 permit or permit to sell cigarettes in violation of LAMC sections 21.64 (requiring permit for
17 jukebox), 46.91 (requiring tobacco retailer's permit) and 103.106 (requiring permit for dance
18 hall and public dancing).

19 37. These violations have occurred on a continuous and ongoing basis, from an
20 exact date unknown, but at least since January 9, 2008.

21 38. Specifically, the Defendants, and each of them, as owners, lessors, lessees,
22 operators, or managers of the Property and, doing business at the Property as Tina's Bar, are
23 presently, and have been since at least January 9, 2008, committed unlawful business
24 practices at the Bar, including and not limited to, illegal alcohol sales, illegal tobacco sales,
25 illegal alcohol use, failure to maintain appropriate business permits and permitting illegal
26 narcotics sales.

27 39. By the misconduct alleged herein, the Defendants unfairly detract from the
28 quality of life of those neighbors to the Property. The Defendants unfairly contribute to the

1 crime and disorderly conduct within the City of Los Angeles, and are unjustly enriched to the
2 extent that the Defendants fail to pay the costs of complying with their obligations to maintain
3 the Property free of illegal activity. Further, Defendants profit directly from the acts of illegal
4 alcohol and cigarette sales activity taking place on the Property and their failure to obtain
5 appropriate business permits. The Bar has a history of community complaints and law
6 enforcement repeatedly responding to it for illegal activity including, illegal alcohol sales.
7 These unfair business practices, as alleged herein, place the Defendants at an unfair
8 advantage with respect to their competitors who do follow the law.

9 40. Plaintiff has no adequate remedy at law, and unless Defendants and each of
10 them are enjoined and restrained by order of this Court, Defendants will continue to commit
11 unlawful business practices or acts, thereby causing irreparable injury and harm to the public's
12 welfare.

13 **IV. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

14 **[For Civil Code section 3479, et seq. Against**

15 **All Defendants and DOES 1 through 50]**

16 41. Plaintiff hereby incorporates by reference paragraphs 1 through 40 of this
17 Complaint and makes them part of the Second Cause of Action, as if fully set forth herein.

18 **PUBLIC NUISANCE LAW**

19 42. Civil Code section 3479 defines a public nuisance as "[a]nything which is
20 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
21 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
22 interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free
23 passage or use, in the customary manner, of any . . . public park, square, street, or
24 highway...." (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has
25 defined in general terms the word 'nuisance' in Civil Code section 3479. . . ."].)

26 43. Civil Code section 3480 defines a public nuisance as "one which affects at the
27 same time an entire community or neighborhood, or any considerable number of persons,
28 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

1 44. Civil Code section 3491 provides for the methods by which public nuisances
2 such as those alleged herein may be abated. Civil Code section 3491 states that the
3 "remedies against a public nuisance are indictment or information, a civil action or abatement."
4 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
5 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v.*
6 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ["[I]n California, the rule is well established
7 that in proper cases injunctive relief which accomplishes the purposes of abatement without its
8 harsh features is permissible."].)

9 45. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
10 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought
11 in the name of the people of the State of California to abate a public nuisance . . . by the city
12 attorney of any town or city in which such nuisance exists."

13 46. Where "a building or other property is so used as to make it a nuisance under the
14 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
15 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
16 *Barbiere* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
17 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist without negligence"]; *People*
18 *v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such
19 nuisance was conducted and maintained on the premises in question, regardless of the
20 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
21 unnecessary."]; *People v. Peterson* (1920) 45 Cal.App. 457, 460 ["[I]t was not necessary . . .
22 for the trial court to find either, that the [defendants] threatened, and unless restrained, would
23 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in
24 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and
25 having been found, supports the judgment."].) This is because "the object of the act is not to
26 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*
27 *Co.* (1920) 48 Cal.App. 257, 261.)

28 47. Since at least July 2, 2007, Defendants Cruz Bartolo Rivas, Nubia Estrada Vega,

1 Argentina Estrada and DOES 1 through 50, have operated, occupied, used and/or permitted to
2 be occupied and used the Property in such a manner as to constitute a public nuisance in
3 violation of Civil Code sections 3479 and 3480. Said public nuisance, described herein, is
4 injurious to the health, indecent or offensive to the senses and/or an obstruction to the free use
5 of property, so as to substantially and unreasonably interfere with the comfortable enjoyment
6 of life or property by those persons living in the surrounding community. The public nuisance,
7 described in greater detail herein, consists of the illegal sales and storage of narcotics, illegal
8 purchases and sales of alcohol and cigarettes, numerous incidents of assaults, robberies, Bar
9 patrons driving under the influence, general noncompliance with ABC regulations and
10 municipal ordinances, and other crimes committed at and surrounding the Property.

11 48. Moreover, Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina
12 Estrada and DOES 1 through 50, have known or should have known about the existence of
13 the public nuisance complained of at the Property and have failed to abate the same.

14 49. Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada and
15 DOES 1 through 50, in owning, conducting, maintaining, and/or permitting the use of the
16 Property and/or Bar as a public nuisance, have engaged in wrongful conduct and caused a
17 serious threat to the general health, safety and welfare of the community and neighborhood

18 50. **The following is a partial summary of this nuisance activity not elsewhere**
19 **listed in this Complaint:**

20 51. On July 2, 2007, Newton area patrol officers received a radio call about an
21 assault with a deadly weapon at the Bar. When the officers arrived at the Bar they were met
22 by the victim who was crying and appeared shaken. The victim told the officers that he had
23 been at the Bar and began to argue verbally with the bartender over the number of beers he
24 had paid for. The argument escalated and the bartender began to throw chairs at the victim.
25 Then a second male picked up a metal pipe and began swinging them at the victim. Fearing
26 for his safety, the victim fled the Bar and attempted to get into his car. The victim was standing
27 by his car's door when the second male threw a pool stick at the victim. The victim entered his
28 vehicle. At that time, the bartender struck the windshield and the front passenger window

1 causing them to shatter. The suspects then fled. The officers entered the Bar. There were
2 seven people inside the Bar, but they all refused to give a statement. The officers contacted
3 Defendant Argentina Estrada to report the incident because no responsible party was left at
4 the Bar.

5 52. On **September 30, 2007**, Newton area patrol officers received a radio call that an
6 assault with a deadly weapon was in progress by several criminal gang members at the Bar.
7 When the LAPD officers arrived, they detained several gang members who were leaving the
8 Bar. The officers entered the Bar and saw a male ("victim") who was bleeding and had several
9 lacerations on his face. The officers asked the victim what had happened and the victim
10 pointed out a suspect, later identified as Eduardo Efrain Luna, and told the officers that Luna
11 had assaulted him. The victim stated that Luna had approached him, engaged him in an
12 argument, pushed him and then hit him with a glass bottle. Luna then punched the victim
13 several times in the face. The victim stated that in self defense, he had grabbed a nearby beer
14 bottle and had hit Luna with it. Luna was arrested for assault with a deadly weapon (a violation
15 of Penal Code section 245). During a search of Luna, incident to arrest, the LAPD officers
16 recovered a baggie containing an off-white powder resembling cocaine.

17 53. On **October 19, 2007**, Newton area patrol officers received a radio call that a
18 woman was at the Bar with a gun. They arrived at the Bar and were greeted by two Bar
19 employees stating that a female, later identified as Alma Chavez, had entered the Bar and
20 placed a handgun on a table. Then Chavez walked to the rear of the Bar with her gun, walked
21 into a storage area of the Bar and fired the gun into the air. Then Chavez re-entered the Bar,
22 walked through the Bar, exited through the front door, and left in a vehicle. Subsequently,
23 Chavez returned to the Bar and attempted to order three beers. The Bar's bartender refused
24 to give Chavez the beers and contacted the police. When the police arrived, they recovered a
25 casing on the ground where Chavez had fired her gun. Thereafter, the officers received a
26 second radio call indicating that Chavez was in a nearby business. The officers detained
27 Chavez, located Chavez's vehicle and noticed a handgun sticking out a few inches beneath
28 the floor mat on the front passenger side of the vehicle. The handgun contained a magazine

1 with three live rounds and one live round in the chamber.

2 54. On **November 12, 2007**, Newton area patrol officers received a radio call from a
3 hospital regarding an assault on a Bar patron. The officers arrived at the hospital and were
4 met by the victim who stated that he was leaving the Bar and had entered into a vehicle, when
5 a male suspect exited the Bar, walked over to him, and struck him several times in the face.
6 The suspect then entered the Bar and came back with a baseball bat and stuck the victim in
7 the nose with the baseball bat. The suspect then fled the location. After the incident, the
8 victim noticed that he was missing his cell phone.

9 55. On **December 8, 2007**, uniformed LAPD officers were patrolling the area near
10 the Bar when they observed a vehicle weaving from side to side in its lane. The officers
11 stopped the car on Avalon Boulevard and Vernon Street to conduct a driving under the
12 influence investigation. Upon making contact with the driver, later identified as Alberto
13 Moreno, the officers could smell the odor of alcohol coming from Moreno's breath and asked
14 him if had anything to drink. Moreno told the officers hat he had 11 beers at the Bar. Believing
15 that Moreno was intoxicated, the officers asked Moreno to conduct standard field sobriety
16 tests. Moreno was unable to perform the standard field sobriety tests. The officers formed the
17 opinion that Moreno was under he influence of an intoxicating beverage and unable to safely
18 operate a motor vehicle. The officers asked Moreno to take a breathalyzer test and he agreed.
19 The breathalyzer test showed Moreno's blood alcohol count was 0.25. Moreno was arrested
20 for driving under the influence (a violation of Vehicle Code section 23152(a)).

21 56. On **December 16, 2007**, Newton area patrol officers received a radio call
22 regarding a robbery at the Bar. The officers arrived at Bar and were met by the victim who
23 stated that he had been at the Bar drinking and that he had walked into the men's restroom
24 when he was confronted by three male suspects. One of the suspects grabbed the victim by
25 the neck while the other two suspects held the victim's hands. The first suspect then searched
26 the victim's pockets and took his cell phone and \$200 dollars. The suspects then fled the Bar.

27 57. On **December 20, 2007**, uniformed LAPD officers were patrolling the area near
28 the Bar when they observed a vehicle on the sidewalk attempting to pull onto Avalon

1 Boulevard from a handicap access ramp on Avalon Boulevard and 46th Street. The officers
2 conducted a traffic stop to conduct a driving under the influence investigation. Upon making
3 contact with the driver, later identified as Serafin Hernandez Cervera, the officers could smell
4 the odor of alcohol coming from Cervera's breath and noticed that Cervera's speech was
5 slurred. The officers asked Cervera if he had anything to drink and Cervera stated that he had
6 2 beers at the Bar. Based on the officers' observation of objective symptoms of intoxication,
7 the officers asked Cervera to perform standard field sobriety tests. Cervera was unable to
8 perform the standard field sobriety tests. The officers formed the opinion that Cervera was
9 under the influence of an intoxicating beverage and unable to safely operate a motor vehicle.
10 The officers asked Cervera to take a breathalyzer test and he agreed. The breathalyzer test
11 showed Cervera's blood alcohol count was 0.10. Cervera was arrested for driving under the
12 influence (a violation of Vehicle Code section 23152(a)).

13 58. During the **June 11, 2008** undercover investigation, at the Bar, the LAPD officers
14 heard loud music coming from the Bar and saw several males standing outside the Bar. The
15 males were congregating on the sidewalk around the entrance of the Bar and were causing
16 pedestrians to practically walk on to the street while attempting to walk by.

17 59. On **June 12, 2008**, during an undercover investigation at the Bar, LAPD officers
18 noticed loud music coming from the Bar and saw several males loitering and standing outside
19 the Bar.

20 60. On **June 26, 2008**, during an ATF and LAPD undercover investigation at the Bar,
21 LAPD officers noticed five males loitering outside the location.

22 61. On **September 23, 2008**, Newton area patrol officers observed a male, later
23 identified as Luis Ernesto Estrada, leaning on an open vehicle, drinking what appeared to be
24 alcohol from a glass bottle in front of the Bar in violation of Los Angeles Municipal Code
25 section 41.27(c). The officers stopped to investigate a possible drinking in public violation. As
26 the officers approached, Estrada threw the bottle into the vehicle, closed the door and locked
27 the vehicle with his keys. Estrada was detained while the officers searched the vehicle for the
28 bottle. The officers located a bottle of Jack Daniels along with additional open containers.

1 While conducting the search, the officers noticed that the floor mat on the front driver side was
2 slightly lifted off the floor board. The officers lifted the floor mat and observed a gun. The gun
3 was loaded with a live round in the chamber and eight additional rounds in the magazine.
4 Upon further investigation, the officers discovered that the gun had been stolen. Estrada was
5 arrested for carrying a stolen loaded firearm (a violation of Penal Code section 12031(a)(2)(b)).
6 Estrada waived his rights and told the officers that he was the manager of the Bar and had
7 confiscated the gun from a drunk patron at the Bar and kept the gun.

8 62. On **November 30, 2008**, Newton area patrol officers received a radio call about
9 an assault with a deadly weapon at the Bar. When the officers arrived at the Bar they were
10 met by the victim who appeared to be under the influence of alcohol. The victim stated that a
11 man had threatened him with a gun and identified a suspect. The victim was asked if he had
12 any alcohol to drink prior to the officers' arrival and he told the officers "I had 5 beers." The
13 officers interviewed the suspect and he told the officers that he had become involved in a
14 verbal dispute with the victim inside the Bar and that security had observed the incident and
15 escorted them out of the Bar where the victim had immediately run to a pay phone and called
16 the police. The officers searched for a weapon, but did not recover one and completed an
17 investigation report.

18 63. On **February 12, 2009**, uniformed LAPD officers were patrolling the area near
19 the Bar when they observed a vehicle being driven on the pedestrian ramp/curb on the
20 northeast corner of Avalon Boulevard and 46th Street. The officers conducted a traffic stop.
21 Upon making contact with the driver, later identified as Juan Rangel, the officers could smell
22 the odor of alcohol coming from Rangel's breath and asked him where he was coming from.
23 Rangel said that he had been at the Bar. The officers asked Rangel if he had anything to drink
24 at the Bar and Rangel said "yes, 3 Bud Lights and a Modelo (beer)." Rangel's speech was
25 slurred and he had red watery eyes. Based on the officers' observation of objective symptoms
26 of intoxication, the officers asked Rangel to step out of the car and proceeded to conduct
27 standard field sobriety tests. Rangel was unable to perform the standard field sobriety tests.
28 The officers formed the opinion that Rangel was under the influence of an intoxicating beverage

1 and unable to safely operate a motor vehicle. The officers asked Rangel to take a
2 breathalyzer test and he agreed. The breathalyzer test showed Rangel's blood alcohol count
3 was 0.09. Rangel was arrested for driving under the influence (a violation of Vehicle Code
4 section 23152(a)).

5 64. On February 20, 2009, during an undercover investigation at the Bar, a female
6 Bar patron, later identified as Ana Bautista, approached an undercover officer and sold him 1.9
7 gross grams of methamphetamine.

8 65. On May 8, 2009, during an undercover investigation at the Bar, undercover
9 officers spoke with a male who identified himself as "Jorge" and who appeared to be acting as
10 a "security guard" for the Bar. The officer approached Jorge and asked him about purchasing
11 firearms. Jorge told the officer that that the gangsters that hung out in the Bar sold firearms
12 and that there was a gang member with the moniker of "Spanky" who had a "9 mm" for sale.
13 Jorge also asked the officer if he wanted a "clean" gun or gun "with bodies on it." The officer
14 told Jorge that it did not matter as long as he knew either way. Jorge told the officer that he
15 would be in touch with the officer if any guns came his way.

16 66. Further nuisance activity is caused by the conduct alleged in Plaintiff's first cause
17 of action, described in more detail in paragraphs 15 through 37, *supra* of this Complaint,
18 including and not limited to the following:

- 19 a. Narcotics Transactions (in violation of Health and Safety Code section
20 11570, et seq.).
- 21 b. Illegal Purchase of Alcohol (in violation of Penal Code sections 496 and 664
22 (attempt to receive stolen property) and Business and Professions Code
23 section 23402 (purchase of alcohol from unlicensed dealer)).
- 24 c. Illegal Purchase of Tobacco (in violation of 26 U.S.C. section 5751(a)(1)(A)
25 (illegal purchase of untaxed cigarettes)).
- 26 d. Illegal Sales of Tobacco (a violation of LAMC section 46.91).
- 27 e. Failure to Maintain Appropriate Business Permits, including and not limited
28 to, failure to have a jukebox permit (a violation of LAMC section 21.64).

1 failure to have a dance hall permit (a violation of LAMC section 103.106),
2 failure to have a permit to sell cigarettes (a violation of LAMC section
3 46.91), failure to have a pool hall permit (a violation of LAMC section
4 103.112(b)).

5 67. Plaintiff has no adequate remedy at law, and unless Defendants and each of
6 them are enjoined and restrained by order of this Court, Defendants will continue to commit the
7 nuisance activity, thereby causing irreparable injury and harm to the public's welfare.

8 **V. THIRD CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

9 **[For Narcotics Abatement - Health and Safety Code section 11570, et seq.**

10 **Against All Defendants and DOES 1 through 50]**

11 68. Plaintiff hereby incorporates by reference paragraphs 1 through 67 of this
12 Complaint and makes them part of the Third Cause of Action, as if fully set forth herein.

13 **NARCOTICS ABATEMENT LAW**

14 69. The abatement of a nuisance is a long established and well-recognized exercise
15 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel*,
16 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
17 principal purpose of the Narcotics Abatement Act (Health & Saf. Code § 11570, et seq.) is the
18 abatement of buildings and places "used for the purpose of unlawfully selling, serving, storing,
19 keeping, manufacturing, or giving away any controlled substance, precursor, or analog
20 specified in this division" (Health & Saf. Code § 11570).

21 70. The Narcotics Abatement Law provides that every building or place used for the
22 purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any
23 controlled substance, precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined,
24 abated, and prevented . . . whether it is a public or private nuisance." (Health & Saf. Code §
25 11570 [emphasis added]; *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389;
26 *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

27 71. Health and Safety Code section 11571 authorizes a city attorney to bring an
28 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:

1 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
2 maintained, or exists in any county, the district attorney of the county, or the city attorney of
3 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
4 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
5 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
6 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

7 72. Health and Safety Code section 11573(a) provides that: "If the existence of the
8 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
9 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
10 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
11 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
12 removal and sale of all fixtures and movable property on the premises used in aiding or
13 abetting the nuisance and for the closure of the building for up to one year.

14 73. The Bar and Property was, and is, being used, from an exact date unknown but
15 at least since August 2008, for the purposes of unlawfully selling, serving, storing, keeping,
16 manufacturing or giving away controlled substances in violation of Health and Safety Code
17 section 11570, et seq. Each Defendant is responsible for conducting, maintaining, and/or
18 directly or indirectly permitting the nuisance that currently exists at the Property.

19 74. The Defendants and DOES 1 through 50 are liable and responsible for the
20 narcotics nuisance occurring at the Bar and Property. Moreover, Defendants and DOES 1
21 through 50, knew or should have known of the narcotics nuisance activity at the Bar and
22 Property and did not abate it, allowing the nuisance to flourish and plague the neighborhood,
23 as described herein.

24 75. The narcotics related activity tied to the Bar and Property is described above in
25 Paragraphs 26, 27, 29, 30, 64 of this complaint and has been blatantly and continuously
26 occurring since at least August 2008.

27 76. Unless Defendants are restrained by order of this court, they will continue to use,
28 occupy and maintain, and to aid and abet the use, occupation and maintenance of said

1 Property, together with the fixtures and moveable property located therein, for the purposes
2 herein complained of, and they will continue to allow, permit and encourage the maintenance
3 and continuance of said nuisance on the Property to the irreparable damage of the Plaintiff and
4 in violation of California law.

5 77. Plaintiff has no plain, speedy or adequate remedy at law, and injunctive relief is
6 expressly authorized in sections 11570 to 11587 of the California Health and Safety Code.

7
8 **PRAYER**

9 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE**
10 **AND DECREE AS FOLLOWS:**

11 **AS TO THE FIRST CAUSE OF ACTION:**

12 1. That Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada
13 (also known as Tina Estrada) and DOES 1 through 50 be declared in violation of Business and
14 Professions Code section 17200.

15 2. That Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada
16 (also known as Tina Estrada) and DOES 1 through 50 as well as their agents, heirs,
17 successors, and anyone acting on their behalf, be permanently enjoined from maintaining,
18 operating, or permitting any act of unfair or unlawful business acts and practices in violation of
19 Business and Professions Code section 17200.

20 3. That the Court grant a temporary restraining order, preliminary, and/or
21 permanent injunction prohibiting Defendants Cruz Bartolo Rivas, Nubia Estrada Vega,
22 Argentina Estrada (also known as Tina Estrada) and DOES 1 through 50 as well as their
23 agents, heirs, successors, and anyone acting on their behalves, from engaging in the unlawful
24 acts described herein at the Property.

25 4. That, pursuant to Business and Professions Code section 17200, et seq.,
26 Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada (also known as Tina
27 Estrada) and DOES 1 through 50 each be assessed a civil penalty of Two Thousand Five
28 Hundred Dollars (\$2,500) for each and every act of unlawful and/or unfair competition.

1 5. That a receiver be appointed, pursuant to Business and Professions Code
2 section 17204.

3 6. That, pursuant to the Court's equitable power and Business and Professions
4 Code section 17203, the Court makes such orders or judgments to eliminate the unlawful or
5 unfair competition alleged herein.

6 7. That Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada
7 (also known as Tina Estrada) and DOES 1 through 50 be prohibited from selling, purchasing,
8 or allowing any consumption of an alcoholic beverage at the Property.

9 8. That Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada
10 (also known as Tina Estrada) and DOES 1 through 50 be prohibited from selling, purchasing,
11 or allowing any consumption of a tobacco product at the Property.

12 That all individuals (including bar owners, managers, security guards, employees, patrons,
13 etc.) that have and/or are committing or permitting to exist a nuisance, including but not limited
14 to any illegal drug activity or drug-related nuisance or illegal alcohol sales activity at the Bar
15 and on the Property be evicted by Defendant Cruz Bartolo Rivas and not be permitted to return
16 to the Bar or Property for any purpose. This would include: Defendants Nubia Estrada Vega,
17 an individual and doing business as "Tina's Bar" and Argentina Estrada (also known as Tina
18 Estrada), an individual and doing business as "Tina's Bar." That Defendant Cruz Bartolo Rivas
19 evict anyone engaging in narcotics activities or activity involving the unlawful use or
20 possession of firearms at the Property that they are aware of and/or upon notification from the
21 Los Angeles City Attorney's Office pursuant to Health and Safety Code section 11571.1 or any
22 successor statute and/or Civil Code section 3485.

23 AS TO THE SECOND CAUSE OF ACTION:

24 1. That the Property, together with the fixtures and moveable property therein and
25 thereon, be declared a public nuisance and be permanently abated as such in accordance with
26 Civil Code section 3491.

27 2. That Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada
28 (also known as Tina Estrada) and DOES 1 through 50 and their agents, officers, employees

1 and anyone acting on their behalf, and their heirs and assignees, be preliminarily and
2 perpetually enjoined from operating, conducting, using, occupying, or in any way permitting the
3 use of the Property as a public nuisance. Such orders should include, but not be limited to,
4 remedial improvements to the Property that will contribute towards abating the nuisance,
5 including but not limited to, the following: That Defendants Nubia Estrada Vega, Argentina
6 Estrada (also known as Tina Estrada) and DOES 1 through 50, be preliminarily and
7 permanently enjoined from renting, leasing or occupying any unit at the Property, and from
8 being present at or within 100 yards of the Property for any purpose.

9 3. That Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada
10 (also known as Tina Estrada) and DOES 1 through 50 be prohibited from selling, purchasing,
11 or allowing any consumption of an alcoholic beverage at the Property.

12 4. That Defendants Cruz Bartolo Rivas, Nubia Estrada Vega, Argentina Estrada
13 (also known as Tina Estrada) and DOES 1 through 50 be prohibited from selling, purchasing,
14 or allowing any consumption of a tobacco product at the Property.

15 5. That the Court grant a temporary restraining order, preliminary, and/or
16 permanent injunction requiring all tenants and individuals that have and/or are committing or
17 permitting to exist a nuisance including but not limited to any illegal drug activity on the
18 Property be evicted by Defendant Cruz Bartolo Rivas and not be permitted to return to the
19 Property.

20 6. That all individuals (including bar owners, managers, security guards,
21 employees, patrons, etc.) that have and/or are committing or permitting to exist a nuisance,
22 including but not limited to any illegal drug activity or drug-related nuisance or illegal alcohol
23 sales activity at the Bar and on the Property be evicted by Defendant Cruz Bartolo Rivas and
24 not be permitted to return to the Bar or Property for any purpose. This would include:
25 Defendants Nubia Estrada Vega, an individual and doing business as "Tina's Bar" and
26 Argentina Estrada (also known as Tina Estrada), an individual and doing business as "Tina's
27 Bar." That Defendant Cruz Bartolo Rivas evict anyone engaging in narcotics activities or
28 activity involving the unlawful use or possession of firearms at the Property that they are aware

1 of and/or upon notification from the Los Angeles City Attorney's Office pursuant to Health and
2 Safety Code section 11571.1 or any successor statute and/or Civil Code section 3485.

3 7. Such costs as may occur in abating said nuisance at the Property and such other
4 costs as the Court shall deem just and proper.

5 AS TO THE THIRD CAUSE OF ACTION:

6 1. That Defendants and the Bar and Property, including all buildings and structures
7 thereon, be declared in violation of Health and Safety Code section 11570 et seq.

8 2. That the Bar and Property, together with the fixtures and moveable property
9 therein and thereon, be deemed to constitute a public nuisance and be permanently abated as
10 such in accordance with Section 11581 of the California Health and Safety Code.

11 3. That the Court grant a preliminary injunction, permanent injunction and order of
12 abatement in accordance with Section 11570, et seq., of the California Health and Safety
13 Code, enjoining and restraining Defendants and their agents, officers, employees and anyone
14 acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or
15 giving away controlled substances on the Property.

16 4. That the court issue such orders in accordance with Health and Safety Code
17 section 11573.5, and such orders as are appropriate, to remedy the nuisance on the Property
18 and enhance the abatement process, including but not limited to, the following:

19 5. That Defendants Nubia Estrada Vega, an individual and doing business as
20 "Tina's Bar", and Argentina Estrada (also known as Tina Estrada), an individual and doing
21 business as "Tina's Bar", be preliminarily and permanently enjoined from being present at the
22 Bar and Property for any purpose.

23 6. That all individuals (including bar owners, managers, security guards,
24 employees, patrons, etc.) that have and/or are committing or permitting to exist a nuisance,
25 including but not limited to any illegal drug activity or drug-related nuisance at the Bar and on
26 the Property be evicted by Defendant Cruz Bartolo Rivas and not be permitted to return to the
27 Bar or Property for any purpose. This would include: Defendants Nubia Estrada Vega, an
28 individual and doing business as "Tina's Bar" and Argentina Estrada (also known as Tina

6
1 Estrada), an individual and doing business as "Tina's Bar." That Defendant Cruz Bartolo Rivas
2 evict anyone engaging in narcotics activities at the Property that they are aware of and/or upon
3 notification from the Los Angeles City Attorney's Office pursuant to Health and Safety Code
4 section 11571.1 or any successor statute.

5 7. That as part of the Judgment, an Order of Abatement be issued, and that the
6 Property be closed for a period of one year, not to be used for any purpose, and be under the
7 control and custody of this Court for said period of time, or, in the alternative, that Defendants
8 (property owners) pay an amount equal to the fair market rental value of the Property for one
9 year to the City or County in whose jurisdiction the nuisance is located in accordance with
10 Health and Safety Code section 11581 subdivision (c)(1).

11 10. That Defendants, each individually, be assessed a civil penalty in an amount not
12 to exceed twenty-five thousand dollars (\$25,000.00).

13 11. That all fixtures and moveable property used in conducting, maintaining, aiding or
14 abetting the nuisance at the Property be removed by the Los Angeles Police Department or
15 other authorized agency and sold in the manner provided for the sale of chattels under
16 execution. Said fixtures and property shall be inventoried and a list prepared and filed with this
17 court.

18 12. That there shall be excepted from said sale, such property to which title is
19 established in some third party not a defendant, nor agent, officer, employee or servant of any
20 defendant in this proceeding.

21 13. That the proceeds from said sale be deposited with this court for payment of the
22 fees and costs of sale. Such costs that may occur in closing said Property and keeping them
23 closed, removal of said property, and Plaintiff's costs in the action, including attorneys' fees,
24 investigative costs, and such other costs as the court shall deem proper.

25 14. That if the proceeds of the sale do not fully discharge all such costs, fees and
26 allowances, the Property shall also be sold under execution issued upon the order of the court
27 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
28 monies remaining after payment of approved costs shall be delivered to the owners of said

1 Property. Ownership shall be established to the satisfaction of this court.

2 15. That Defendants property owners Cruz Bartolo Rivas and his agents, officers,
3 employees and anyone acting on his behalf, and his heirs and assignees, be perpetually
4 enjoined from transferring, conveying, or encumbering any portion of the Property, for
5 consideration or otherwise, without first obtaining the Court's prior approval.

6 16. That Defendant Cruz Bartolo Rivas and DOES 1 through 50 be ordered to
7 immediately notify any transferees, purchasers, commercial lessees, or other successors in
8 interest to the subject Property of the existence and application of any temporary restraining
9 order, preliminary injunction, or permanent injunction to all prospective transferees,
10 purchasers, commercial lessees, or other successors in interest, before entering into any
11 agreement to sell, lease or transfer the Property, for consideration or otherwise, all or any
12 portion of the Property that is the subject of this action.

13 17. That Defendant Cruz Bartolo Rivas and DOES 1 through 50 be ordered to
14 immediately give a complete, legible copy of any temporary restraining order and preliminary
15 and permanent injunctions to all prospective transferees, purchasers, commercial lessees, or
16 other successors in interest to the subject Bar or Property.

17 18. That Defendant Cruz Bartolo Rivas and DOES 1 through 50 be ordered to
18 immediately request and procure signatures from all prospective transferees, purchasers,
19 commercial lessees, or other successors in interest to the subject Bar or Property, which
20 acknowledges his/her respective receipt of a complete, legible copy of any temporary
21 restraining order, preliminary and permanent injunction, and deliver a copy of such
22 acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Maria
23 Aguillon.

24 19. That Plaintiff recover the costs of this action, including law enforcement
25 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
26 \$1,000,000.00, from all Defendants.

27 ///

28 ///

1 AS TO ALL CAUSES OF ACTION

2 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
3 the service of process or notices which would have been paid but for Government Code
4 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
5 amount of the fees for certifying and preparing transcripts.

6 2. That Plaintiff be granted such other and further relief as the Court deems just and
7 proper.

8
9 DATED: September 8, 2009

Respectfully submitted,

10
11 CARMEN A. TRUTANICH, City Attorney
ASHA GREENBERG, Managing Assistant City Attorney

12
13 By: 

14 MARIA AGULLON
15 Deputy City Attorney,
16 Attorneys for Plaintiff,
17 THE PEOPLE OF THE STATE OF CALIFORNIA
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28

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9 Attorneys for Plaintiff

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JAN 02 2008

John A. Clarke, Executive Officer/Clerk
By Deputy

10 NO FEE - GOV'T CODE §6103

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF LOS ANGELES, NORTH VALLEY DISTRICT

13 THE PEOPLE OF THE STATE OF
14 CALIFORNIA,

15 Plaintiff,

16 vs.

17 RENE MACIAS, ARGELIA MACIAS, and DOES
18 1 through 100, inclusive,

19 Defendants.

CASE NO.

PC042008

COMPLAINT FOR ABATEMENT
AND INJUNCTION

[HEALTH & SAFETY CODE
SECTION 11570, ET SEQ.]

20 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows.

21 **VENUE AND JURISDICTION**

22 1. This action is brought and prosecuted for the purpose of enjoining, abating
23 and preventing a nuisance as defined in California Health and Safety Code section
24 11570, et seq. Health and Safety Code section 11570 defines a nuisance as a building
25 or place used for the purposes of unlawfully selling, serving, storing, keeping,
26 manufacturing, or giving away any controlled substance. Health and Safety Code
27 section 11571 authorizes a City Attorney to maintain an action to abate and prevent the
28 nuisance and to perpetually enjoin the person conducting or maintaining it and the

1 owner, lessee, or agent of the building or place in or upon which the nuisance exists
2 from directly or indirectly maintaining or permitting the nuisance.

3 2. This action seeks to enjoin and abate a public nuisance which exists on
4 and in that premises with the legal addresses of 8947 Mercedes Avenue, Arleta,
5 California, 91331 (the "Property"). The Property is a single family, single story
6 residence with a yellow stucco brick face trim and an attached converted garage. The
7 front of the Property is located on the west side of Mercedes Avenue and the rear of the
8 Property is located on the east side of Beachy Avenue. The Property is more
9 specifically described as:

10 Tract 18562, Lot 10, in the City of Los Angeles, County of Los Angeles, State of
11 California, as per Map recorded in Book 461, Pages 31 to 32 inclusive of Maps, in the
12 Office of the County Recorder of said County, A.P.N. 2627-012-010 and Tract 8869, Lot
13 FR 14, in the City of Los Angeles, County of Los Angeles, State of California, as per
14 Map recorded in book 116, pages 66 to 67 inclusive of the Maps, in the Office of the
15 County Recorder of said County, A.P.N. 2627-012-024.

16 THE PARTIES

17 3. Plaintiff is informed and believes and thereon alleges that Defendants
18 RENE MACIAS and ARCELIA MACIAS are and have been the owners of the Property
19 since at least April 11, 1995, and at all times herein mentioned have acted in such
20 capacity.

21 4. The true names and capacities of Defendants sued herein as DOES 1
22 through 100, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by
23 such fictitious names. When the true names and capacities of said Defendants have
24 been ascertained, Plaintiff will ask leave of the court to amend this complaint and to
25 insert in lieu of such fictitious names the true names and capacities of said fictitiously
26 named Defendants.

27 5. Plaintiff is informed and believes, and thereon alleges, that at all times
28 herein mentioned, Defendants RENE MACIAS and ARCELIA MACIAS, and DOES 1

1 through 100 (hereinafter "Defendants") had or should have had knowledge of the
2 nuisance and unlawful acts herein complained of, have wholly failed to abate the same,
3 and have directly or indirectly maintained or permitted the nuisance described herein.

4 **FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

5 [Health and Safety Code section 11570, et seq.

6 Against All Defendants and DOES 1 through 100]

7 6. Plaintiff hereby incorporates by reference paragraphs 1 through 5 of this
8 Complaint and makes them part of the First Cause of Action, as if fully set out herein.

9 7. The abatement of a nuisance is a long established and well recognized
10 exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775;
11 *People ex rel. Hicks v. Sarong-Gals* (1974) 42 Cal.App.3d 556, 563.) Since its
12 enactment in 1972, the principal purpose of the Narcotics Abatement Act (Health & Saf.
13 Code, § 11570 et seq.) is the abatement of buildings and places "used for the purpose
14 of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any
15 controlled substance, precursor, or analog specified in this division" (Health & Saf.
16 Code, § 11570).

17 8. The Narcotics Abatement Act provides that every building or place used
18 for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving
19 away any controlled substance, precursor, or analog *inter alia*, "is a nuisance which
20 **shall** be enjoined, abated, and prevented . . . whether it is a public or private nuisance."
21 (Health & Saf. Code, § 11570 [emphasis added].)

22 9. Health and Safety Code section 11571 authorizes a city attorney to bring
23 an action to abate, prevent and perpetually enjoin such nuisances. It provides in
24 relevant part: "Whenever there is reason to believe that a nuisance as described in
25 Section 11570 is kept, maintained, or exists in any county, the district attorney of the
26 county, or the city attorney of any incorporated city or of any city and county, in the
27 name of the people, may . . . maintain an action to abate and prevent the nuisance and
28 perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or

1 agent of the building or place in or upon which the nuisance exists from directly or
2 indirectly maintaining or permitting the nuisance."

3 10. Health and Safety Code section 11573(a) provides that: " If the existence
4 of the nuisance is shown in the action to the satisfaction of the court or judge, either by
5 verified complaint or affidavit, the court or judge **shall** allow a temporary restraining
6 order or injunction to abate and prevent the continuance or recurrence of the nuisance."
7 (Emphasis added.)

8 11. In addition, Health and Safety Code section 11581 provides, as an
9 additional remedy, for the removal and sale of all fixtures and movable property on the
10 premises used in aiding or abetting the nuisance and for the closure of the building for
11 one year.

12 12. Plaintiff is informed and believes and thereon alleges that each Defendant
13 is responsible for conducting, maintaining, and/or directly or indirectly permitting the
14 nuisance that currently exists at the Property. The Property was used, and is being
15 used, from an exact date unknown but at least since February 9, 2001, for the purposes
16 of unlawfully selling, serving, storing, keeping, manufacturing or giving away controlled
17 substances.

18 13. Between February 9, 2001 and October 3, 2007, law enforcement officers
19 served two search warrants and made several arrests for narcotics or narcotics related
20 offenses at, or directly related to, the Property. As a result of the arrests and service of
21 the search warrants, officers recovered 365 gross grams (gg.) powder cocaine,
22 850.65gg. methamphetamine, 58.6gg. marijuana, \$4888 in U.S. currency, 2 digital
23 scales, 5 pay/owe notebooks, 2 handguns, 1 shotgun, 3 magazines and 16 rounds of
24 ammunition. Defendant RENE MACIAS was among those arrested on multiple
25 occasions for narcotics violations.

26 14. The general reputation of the Property in the community is that it is a
27 location where the storage of narcotics has taken place on an ongoing and continuous
28 basis since, at least, February, 2001.

15. Defendants are the owners of the fixtures and moveable property contained within the Property, and said fixtures and moveable property were used and are presently being used by the Defendants in conducting and maintaining the nuisance herein complained of.

16. Unless Defendants are restrained by the order of this court, they will continue to use, occupy and maintain, and to aid and abet the use, occupation and maintenance of the Property, together with the fixtures and moveable property located therein, for the purposes herein complained of, and they will continue to allow, conduct, maintain, permit and encourage the maintenance and continuance of said nuisance on the Property to the irreparable damage of the Plaintiff and in violation of California law.

17. Plaintiff has no plain, speedy, or adequate remedy at law, and injunctive relief is expressly authorized in sections 11570-11587 of the California Health and Safety Code.

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE
AND DECREE AS FOLLOWS:

FIRST CAUSE OF ACTION (NARCOTICS NUISANCE)

AS TO DEFENDANTS RENE MACIAS AND ARCELIA MACIAS, and DOES 1 through 100:

1. That the Property, together with the fixtures and moveable property therein and thereon, constitutes a public nuisance and be permanently abated as such in accordance with Section 11581 of the California Health and Safety Code.

2. That Defendants and their agents, officers, employees and anyone acting on their behalf, and their heirs and assignees, be perpetually enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property as a public nuisance.

3. That pursuant to Health and Safety Code section 11581 the Property be closed for a period of one year, not to be used for any purpose, and be under the

1 control and custody of this court for said period of time.

2 4. That pursuant to Health and Safety Code section 11581 all fixtures and
3 moveable property used in conducting, maintaining, aiding or abetting the nuisance at
4 the Property be removed by the Los Angeles Police Department or the appropriate
5 agency and sold in the manner provided for the sale of chattels under execution. Said
6 fixtures and property shall be inventoried and a list prepared and filed with this court.

7 5. That the Court grant a preliminary injunction, permanent injunction and
8 order of abatement in accordance with California Health and Safety Code, section
9 11570, et seq. enjoining and restraining Defendants and their agents, officers,
10 employees and anyone acting on their behalf, from unlawfully selling, serving, storing,
11 keeping, manufacturing, or giving away controlled substances on the Property.

12 6. That Defendants RENE MACIAS and ARCELIA MACIAS, and DOES 1
13 through 100, be ordered to take certain steps and make remedial improvements to the
14 Property that will contribute towards abating the nuisance, including but not limited to:

15 **REMEDIAL IMPROVEMENTS TO THE PROPERTY**

16 a. Post in visible and conspicuous locations on and around the
17 premises signs indicating, "THIS PROPERTY CLOSED TO THE PUBLIC. NO ENTRY
18 WITHOUT PERMISSION. L.A.M.C. 41.24." One sign must be printed or posted in a
19 conspicuous manner at every walkway and driveway entering any enclosed property or
20 portion thereof and at a minimum of every fifty feet along the boundary of any
21 unenclosed lot. This requirement is met if at least one sign is conspicuously printed or
22 posted on the outside of every structure on such property, so as to be readable from
23 each walkway and driveway entering such property. The language "THIS PROPERTY
24 CLOSED TO THE PUBLIC. NO ENTRY WITHOUT PERMISSION" on said sign shall
25 be at least two inches high. Provide a completed and signed L.A.M.C. 41.24
26 TRESPASS ARREST AUTHORIZATION form to the Foothill Division of the Los
27 Angeles Police Department, attention Senior Lead Officer Richard Wall, or his
28 successor.

b. In consultation with LAPD Foothill Senior Lead Officer Richard Wall, (818) 756-8861, or his designated successor, remove any non-structural fortifications and structures that would inhibit service of a search warrant.

c. Do not keep or allow any tenant to keep any rottweiler or pit bull dogs on the Property. Additionally, do not keep or allow any tenant to keep any dog(s) on the Property that weighs over 40 pounds without first consulting with Officer Wall or his successor.

d. Do not install or use surveillance cameras on the Property or allow any occupant at the Property to install or use surveillance cameras on the Property.

e. Post a sign in a place visible from the street. "NO DRUGS, NO DRUG DEALERS, NO LOITERING, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES. THE LOS ANGELES POLICE DEPARTMENT MAKES REGULAR AND FREQUENT PATROLS OF THESE PREMISES"

MANAGING THE PROPERTY

f. Do not take any action which would impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency which relates to the Property.

g. Comply with all orders and regulations of the LADBS, County Health Services Department, City Fire Department, and any other regulatory agency and allow representatives of the Department of Building and Safety to enter and inspect the Property.

h. Perform a thorough background check of applicants (every occupant who plans to live at the Property) prior to renting which includes verification of employment history and rental history for the last five years.

i. Require potential residents to list all narcotics related convictions on a rental application. Do not rent to anyone who has been convicted of a narcotics related offense in the prior ten years.

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j. Require all residents (and every occupant who plans to live at the Property) to provide a California Drivers License, California Identification Card, or other picture identification and one other form of identification, as well as the license plate number of the residents' or occupants' vehicles. Maintain a copy of the identification in the resident's rental file.

k. Utilize a rental agreement or add an addendum to the rental agreement which specifies that the following shall be grounds for immediate eviction:

(1) resident/occupant commits any violation of law regarding the possession, use, storage or sale of narcotics, prostitution or gang related crime, on or adjacent to the premises;

(2) resident/occupant negligently allows his or her occupant, guest, or visitor to commit any violation of law regarding the possession, use, storage or sale of narcotics, prostitution or gang related crime on or adjacent to the premises.

l. Require all adult residents to sign a written rental agreement. Require each resident to name all the occupants of resident's household in the rental agreement. No adult occupant not listed in the rental agreement shall live at the Property. Screen each occupant. Advise each resident that their application information will be provided to law enforcement upon request.

m. Diligently pursue evictions against residents who violate the rental agreement and immediately order non-tenants arrested for, or engaging in, narcotics activity, to leave the Property. Do not allow evicted residents or expelled non-residents to return to the Property.

n. Evict all tenants, including family members, engaging in narcotics activities (See Los Angeles Municipal Code section 47.50).

o. Refuse to allow individuals previously evicted for illegal activities to be present at the Property. Do not allow persons known to be previously arrested on or adjacent to the Property for narcotics related offenses to be present at the Property. Do not allow drug dealers, or their customers, who may use the Property for the purpose of

1 storing, using or distributing narcotics to be present at the Property.

2 p. Do not allow the following individuals access to the Property at any
3 time: Francisco Tapia (DOB 5/30/73); David Hernandez (DOB 5/15/59); Fajardo
4 Moreno (DOB 7/1/79).

5 q. Within 14 days, provide Senior Lead Officer Richard Wall, or his
6 successor, (818) 756-8866, with a list of all current full- or part-time residents of the
7 Property, including all family members residing at the Property. Also provide Officer
8 Wall, or his successor, with a list of all residents' and occupants' cars, including license
9 plates and descriptions of the vehicles. Continue to provide Officer Wall with an
10 updated list when there are changes to the list.

11 7. That Defendants RENE MACIAS, ARCELIA MACIAS, and DOES 1
12 through 100, and their agents, officers, employees and anyone acting on their behalf,
13 and their heirs and assignees, be perpetually enjoined from transferring, conveying, or
14 encumbering any portion of the Property, for consideration or otherwise, without first
15 obtaining the Court's prior approval.

16 8. That Defendants RENE MACIAS, ARCELIA MACIAS, and DOES 1
17 through 100, be ordered to immediately notify any transferees, purchasers, commercial
18 lessees, or other successors in interest to the subject Property of the existence and
19 application of any preliminary injunction or permanent injunction to all prospective
20 transferees, purchasers, commercial lessees, or other successors in interest, before
21 entering into any agreement to sell, lease or transfer the Property, for consideration or
22 otherwise, all or any portion of the Property that is the subject of this action.

23 9. That Defendants RENE MACIAS, ARCELIA MACIAS, and DOES 1
24 through 100, be ordered to immediately give a complete, legible copy of any preliminary
25 and permanent injunctions to all prospective transferees, purchasers, commercial
26 lessees, or other successors in interest to the subject Property.

27 10. That Defendants RENE MACIAS, ARCELIA MACIAS, and DOES 1
28 through 100, be ordered to immediately request and procure signatures from all

1 prospective transferees, purchasers, commercial lessees, or other successors in
2 interest to the subject Property, which acknowledges his/her respective receipt of a
3 complete, legible copy of any preliminary and permanent injunction, and deliver a copy
4 of such acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City
5 Attorney Jonathan Galatzan.

6 11. That there shall be excepted from said sale, such property to which title is
7 established in some third party not a defendant, nor agent, officer, employee or servant
8 of any defendant in this proceeding.

9 12. That the proceeds from said sale be deposited with this court for payment
10 of the fees and costs of sale. Such costs may occur in closing said Property and
11 keeping them closed, removal of said property, and Plaintiff's costs in the action,
12 including attorneys' fees, and such other costs as the court shall deem proper.

13 13. That if the proceeds of the sale do not fully discharge all such costs, fees
14 and allowances, the Property shall also be sold under execution issued upon the order
15 of the court or judge and the proceeds of such sale shall be applied in a like manner.

16 14. That any excess monies remaining after payment of approved costs shall
17 be delivered to the owner of said Property. Ownership shall be established to the
18 satisfaction of this court.

19 15. That Plaintiff recover the costs of this action, including attorneys' fees and
20 LAPD investigative costs in an amount not to exceed \$750,000.00.

21 16. That pursuant to Health and Safety Code section 11581 Defendants,
22 individually, be assessed a civil penalty in an amount not to exceed \$25,000.00.

23 17. That Plaintiff recover the amount of the filing fees and the amount of the
24 fee for the service of process or notices which would have been paid but for
25 Government Code section 6103.5, designating it as such in an amount not to exceed
26 \$10,000.00. The fees may, at the Court's discretion, include the amount of the fees for
27 certifying and preparing transcripts.

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18. That Plaintiff be granted such other and further relief as the Court deems
just and proper.

Dated: January 2, 2008

Respectfully submitted,

ROCKARD J. DELGADILLO, City Attorney
ASHA GREENBERG, Managing Assistant
City Attorney

By: 
JONATHAN GALATZAN, Deputy City Attorney,
Attorneys for Plaintiff, THE PEOPLE OF THE
STATE OF CALIFORNIA

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

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MAY 25 2012
John A. Clarke, Executive Officer/Clerk
BY [Signature] Deputy
Shaunya Westley

NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC 485429

THE PEOPLE OF THE STATE OF
CALIFORNIA,

CASE NO.

Plaintiff,

COMPLAINT TO ABATE, PREVENT,
AND ENJOIN A NUISANCE UNDER
PENAL CODE SECTIONS 11225, ET
SEQ. AND FOR VIOLATIONS OF
CALIFORNIA BUSINESS &
PROFESSIONS CODE SECTIONS
17200, ET SEQ.

vs.

SC HEALTH INVESTMENT, INC., a
California corporation; SUNG HIUP OK,
individually and as an officer and/or director
of SC HEALTH INVESTMENT, INC. and
doing business as OK ACUPUNCTURE;
PAUL KIM, also known as PAUL MS KIM
and MYONG SEOK KIM, individually and
as an officer and/or director of SC HEALTH
INVESTMENT, INC. and doing business as
OK ACUPUNCTURE; ELIZABETH EUN
LEE, also known as EUN CHOO LEE, an
individual; EDDIE FADAEI also known as
EBRAHIM FADAEI, an individual;
FARZANEH FADAEI also known as
FARZANEH ASHOORI MONFARED, an
individual; and DOES 1 through 100,
inclusive,

Defendants.

1 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, allege as follows,
2 which allegations are upon information and belief insofar as they pertain to the conduct
3 of Defendants:

4 INTRODUCTION

5 1. This action is brought and prosecuted by the People of the State of
6 California ("People") for the purpose of enjoining, abating and preventing a nuisance as
7 defined in Penal Code sections 11225, et seq. (the "Red Light Abatement Law") which
8 exists on the premises located at 15310 West Roscoe Boulevard, Panorama City,
9 California 91401 (the "Property"). A business functioning as a massage parlor,
10 commonly known as "SC Health" and/or "OK Acupuncture" (referred to as the "Massage
11 Parlor" or "Business"), is located on the Property. SC Health Investment, Inc., Sung
12 Hiup Ok, Paul Kim, and Elizabeth Eun Lee own and/or operate the Massage Parlor,
13 along with Does 1-50 ("Business Defendants"). Eddie Fadaee and Farzaneh Fadaee
14 and Does 51-100 ("Owner Defendants") are the owners of the Property.

15 2. Defendants have directly or indirectly conducted, maintained or
16 permitted the Property to be used, from an exact date unknown, but at least since May
17 2009, for the purposes of lewd conduct and prostitution. In addition, the People seek to
18 enjoin Defendants' violations of the Unfair Competition Law (Business and Profession
19 Code sections 17200, et seq.) through this action. The People assert their power to
20 remedy these injuries to the public interest by seeking to enjoin Defendants' future
21 violations of law and to assess civil penalties against Defendants for past violations of
22 law.

23 GENERAL ALLEGATIONS

24 The Parties

25 3. Plaintiff is the People of the State of California, acting through the Los
26 Angeles City Attorney, Carmen Trutanich, who brings this action pursuant to the
27 authority granted to him by Penal Code section 11226 and Business and Professions
28 Code section 17204.

1 4. At all relevant times, 15310 West Roscoe Boulevard, Panorama City,
2 California, with the legal description of: Lot 33 of Tract No. 16357, in the City of Los
3 Angeles, County of Los Angeles, State of California, as per maps recorded in Book 372
4 pages 27-29 of maps, in the Office of the County Recorder of said County (the real
5 property is hereinafter referred to as the "Property"), was and is real property located at
6 15310 West Roscoe Boulevard, in the City and County of Los Angeles, California
7 91402. Los Angeles County Assessor's Parcel Number 2209-001-017.

8 5. At all relevant times, Defendants Eddie Fadaee (also known as
9 Ebrahim Fadaee) and Farzaneh Fadaee (also known as Farzaneh Ashoori Monfared),
10 were and are the owners of the Property and at all times mentioned herein have acted
11 in such a capacity.

12 6. As of at least May 2009, a business known as "SC Health" and/or "OK
13 Acupuncture" (hereinafter referred to as the "Massage Parlor Business") has been
14 operating at 15310 West Roscoe Boulevard, Panorama City, California.

15 7. At all relevant times, Defendant SC Health Investment, Inc. is and has
16 been the owner and/or operator of the Massage Parlor Business on the Property, and at
17 all relevant times mentioned herein has acted in such a capacity.

18 8. Defendant Sung Hiup Ok, doing business "OK Acupuncture",
19 individually and as officer and/or director of SC Health Investment, Inc. is and has been
20 the owner and/or operator of the Massage Parlor Business on the Property, and at all
21 relevant times mentioned herein has acted in such a capacity.

22 9. Defendant Paul Kim (also known as Paul MS Kim and Myong Seok
23 Kim), doing business "OK Acupuncture", individually and as officer and/or director of SC
24 Health Investment, Inc. is and has been the owner and/or operator of the Massage
25 Parlor Business on the Property, and at all relevant times mentioned herein has acted in
26 such a capacity.

27 10. Defendant Elizabeth Eun Lee (also known as Eun Choo Lee), an
28 individual, is and has been the owner and/or operator of the Massage Parlor Business

1 on the Property, and at all relevant times mentioned herein has acted in such a
2 capacity.

3 11. Defendants Eddie Fadaee, Farzaneh Fadaee, SC Health Investment
4 Inc., Sung Hiup Ok, Paul Kim and Elizabeth Eun Lee, are, and at all relevant times
5 mentioned herein were, the owners of the Property and/or the owners/operators of the
6 Massage Parlor Business and each of them, lease to, own, possess, control, maintain,
7 operate, manage or supervise the Massage Parlor Business.

8 12. Plaintiff is ignorant of the true names and capacities of DEFENDANTS
9 DOES 1 through 100, inclusive, and as such, sues these defendants by such fictitious
10 names pursuant to Section 474 of the California Code of Civil Procedure. Each such
11 defendant is responsible in some manner for conducting, maintaining, or directly or
12 indirectly permitting the unlawful activity complained of herein. When the true names
13 and capacities of said defendants have been ascertained, Plaintiff will ask leave of the
14 court to amend this complaint and to insert in lieu of such fictitious names the true
15 names and capacities of any fictitiously named defendants.

16 13. At all relevant times mentioned herein, all defendants were and are
17 agents, lessors, lessees, servants, employees, partners and/or joint venturers of each
18 other defendant, and at all times were acting within the course and scope of said
19 relationship and with the consent of each of their co-defendants.

20 14. At all times mentioned herein, the City of Los Angeles, was and still is
21 a municipal corporation with a population in excess of 750,000 people, organized and
22 existing under the laws of the State of California for purposes of Business and
23 Professions Code section 17204.

24 **Jurisdiction and Venue**

25 15. Each of the business acts and practices alleged herein were performed
26 by Defendants, in whole or in part, in the City of Los Angeles.

27 16. The Property that is the subject of this action is located in the City of
28 Los Angeles.

1 FIRST CAUSE OF ACTION
2 FOR VIOLATION OF THE RED LIGHT ABATEMENT LAW

3 [Penal Code section 11225 et seq.

4 Against All Defendants and

5 DOES 1 through 100]

6 17. The People incorporate paragraphs 1 through 16, above, as if fully
7 realleged herein.

8 18. This action is brought and prosecuted for the purpose of enjoining and
9 abating a red light nuisance, as defined in California Penal Code section 11225, et seq.,
10 which exists at 15310 West Roscoe Boulevard, Panorama City, California 91401.

11 19. Defendants have directly or indirectly conducted, maintained or
12 permitted the Property to be used, from an exact date unknown but at least since May
13 2009, for the purposes of prostitution.

14 20. Since at least May 2009, the Massage Parlor Business at the Property
15 is a place where acts of prostitution are held or occur.

16 21. Since at least May 2009, LAPD officers have conducted numerous
17 undercover vice investigations that resulted in the arrests of several individuals for
18 prostitution and prostitution related crimes at the Massage Parlor Business on the
19 Property.

20 22. The Massage Parlor Business is a nuisance per se because of the
21 ongoing and continuous prostitution activities occurring there since at least May 2009,
22 and must therefore be abated pursuant to the Red Light Abatement Law.

23 23. From May 2009 to the present, Defendants and DOES 1 to 100, and
24 each of them, violated the Red Light Abatement Law by maintaining or permitting,
25 directly or indirectly, nuisance prostitution acts to occur and/or by failing to abate or
26 prevent nuisance prostitution acts from occurring at the Massage Parlor Business
27 and/or the Property.

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1 24. The Property has a reputation in the community as a location where
2 prostitution takes place.

3 25. The activity set forth in paragraphs 1 through 23 has been a
4 continuous and ongoing prostitution nuisance, under Penal Code sections 11225 et
5 seq., upon the Property for more than one year.

6 26. Defendants, and each of them, have directly or indirectly conducted,
7 maintained or permitted the nuisance described in paragraphs 1 through 23. Therefore,
8 the nuisance existing at the Property must be abated and prevented in accordance with
9 Penal Code sections 11225-11235.

10 27. Plaintiff has no adequate remedy at law, and unless Defendants and
11 each of them are enjoined and restrained by order of the Court, they will continue to
12 directly or indirectly maintain or permit the nuisance prostitution acts to occur at the
13 Massage Parlor Business and/or the Property to the irreparable damage of the
14 community and in violation of the law. The People have no plain, speedy, or adequate
15 remedy at law, and so request the injunctive relief that is expressly provided by Penal
16 Code sections 11225-11231.

17 **SECOND CAUSE OF ACTION**

18 **(For Unfair Competition – Violation of Business and Professions Code Section**
19 **17200 et seq. - Against All Defendants)**

20 28. Plaintiff incorporates herein by reference paragraphs 1 through 27 of
21 this Complaint, as though fully set forth herein.

22 29. The practices prohibited by Business and Professions Code section
23 17200 are "any practices forbidden by law, be it civil or criminal, federal, state, or
24 municipal, statutory, regulatory, or court-made. It is not necessary that the predicate
25 law provide for private civil enforcement. As the California Supreme Court put it, section
26 17200 "'borrows' violations of other laws and treats them as unlawful practices
27 independently actionable under section 17200 et seq." (*South Bay Chevrolet v. General*
28 *Motors Acceptance Corp.* (1999) 72 Cal. App. 4th 861, 880 (internal citations and

quotation marks omitted).)

30. The City of Los Angeles has a population in excess of 750,000 and the City Attorney for the City of Los Angeles brings the second cause of action alleged herein on behalf of the People, pursuant to Business and Professions Code section 17204, which provides that an action under Chapter 5 of Division 7 of the Business and Professions Code may be brought in the name of the People of the State of California by any city attorney of a city, or city and county, having a population in excess of 750,000.

31. From May 2009, to the present, Defendants and DOES 1 to 100, and each of them, violated the UCL by engaging in the following unlawful business acts and practices:

A. Directly or indirectly maintaining or permitting nuisance prostitution acts to occur at the Property in violation of Penal Code section 11225 et seq., as shown by each and every prostitution arrest made by the Los Angeles Police Department at the Property.

B. Failing to abate or prevent nuisance prostitution acts from occurring at the Property in violation of Penal Code section 11225 et seq., as shown by each and every prostitution arrest made by the Los Angeles Police Department at the Property.

32. From May 2009, to the present, Defendants and DOES 1 to 100, and each of them, violated the UCL by engaging in the following unfair business acts and practices:

A. Directly or indirectly maintaining or permitting nuisance prostitution acts to occur at the Property in violation of Penal Code section 11225 et seq., as shown by each and every prostitution arrest made by the Los Angeles Police Department at the Property.

33. Failing to abate or prevent nuisance prostitution acts from occurring at the Property in violation of Penal Code section 11225 et seq., as shown by each and every prostitution arrest made by the Los Angeles Police Department at the Property.

34. Defendants' acts of unfair competition present a continuing threat to the public's health, safety, and welfare. The People have no adequate remedy at law, and unless Defendants are permanently enjoined and restrained by order of the Court, they will continue to commit acts of unfair competition, and thereby continue to cause irreparable harm to the public's health, safety, and welfare.

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE
AND DECREE AS FOLLOWS:

AS TO THE FIRST CAUSE OF ACTION

1. Defendants, and each of them, and the Property, including all buildings and structures thereon, be declared in violation of Penal Code section 11225, et seq.

2. That the Property, together with the fixtures and movable property therein and thereon, be declared a nuisance and be permanently abated as such in accordance with Penal Code section 11230.

3. That the Court grant preliminary and permanent injunctions in accordance with Penal Code section 11225 et seq., enjoining and restraining Defendants, and each of them, their agents, officers, employees and anyone acting on their behalf, from conducting, permitting, maintaining, either directly or indirectly, the use of the Property as a public nuisance.

4. That as part of the Judgment, an Order of Abatement be Issued, and that the Property be closed for a period of one year, not to be used for any purpose, and be under the control and custody of this Court for said period of time.

5. That all fixtures and moveable property used in conducting, maintaining, and/or permitting the nuisance at the Property be removed by LAPD and sold in the manner provided for the sale of chattels under execution. Said fixtures and property shall be inventoried and a list prepared and filed with this Court.

1 6. There shall be excepted from said sale such property to which title is
2 established in some third party not a defendant, nor agent, officer, employee or servant
3 of any Defendant in this proceeding. That the proceeds from said sale be deposited
4 with this Court for payment of the fees and costs of sale.

5 7. Such costs as may occur in closing said Property and keeping it closed,
6 removal of said property and such other costs as the Court shall deem proper.

7 8. If the proceeds of the sale do not fully discharge all such costs, fees and
8 allowances, the Property shall also be sold under execution issued upon the order of
9 the Court or judge and the proceeds of such sale shall be applied in a like manner.

10 9. Any excess monies remaining after payment of approved costs shall be
11 delivered to the owner of said Property. Ownership shall be established to the
12 satisfaction of this Court.

13 10. That the recordation of any judgment in this action constitute a lien prior to
14 any pre-existing liens held by Defendants in connection with the Property.

15 11. That the Defendants be required to obtain the Court's prior approval
16 before transferring, conveying, or encumbering, for consideration or otherwise, any
17 portion of the Property.

18 12. That the Defendants be ordered to immediately notify any transferees,
19 purchasers, commercial lessees, or other successors in interest to the subject Property
20 of the existence and application of any temporary restraining order, preliminary
21 injunction, or permanent injunction to all prospective transferees, purchasers,
22 commercial lessees, or other successors in interest, before entering into any agreement
23 to sell, lease or transfer the Property for consideration or otherwise, all or any portion of
24 the Property that is the subject of this action.

25 13. That the Defendants be ordered to immediately give a complete, legible
26 copy of any temporary restraining order and preliminary and permanent injunctions to all
27 prospective transferees, purchasers, commercial lessees, or other successors in
28 interest to the subject Property.

1 14. That the Defendants be ordered to immediately request and procure
2 signatures from all prospective transferees, purchasers, commercial lessees, or other
3 successors in interest to the subject Property, which acknowledges his/her respective
4 receipt of a complete, legible copy of any temporary restraining order, preliminary and
5 permanent injunction, and deliver a copy of such acknowledgment to the Los Angeles
6 City Attorney's Office, c/o Deputy City Attorney Maria Aguillon.

7 15. That Plaintiff recover the costs of this action, including LAPD investigative
8 costs and attorneys' fees pursuant to California Civil Code section 3496(b).

9 16. That Plaintiff recover the amount of filing fees and the amount of fee for
10 service of process or notices which would have been paid but for Government Code
11 section 6103.5.

12 17. That Defendants, and each of them, be assessed a civil penalty in an
13 amount not to exceed twenty-five thousand dollars (\$25,000.00).

14
15 AS TO THE SECOND CAUSE OF ACTION

16 18. That Defendants and their agents, officers, employees and anyone acting
17 on their behalf be declared in violation of Business and Professions Code section 17200
18 et seq.

19 19. That Defendants and their agents, officers, employees and anyone acting
20 on their behalf be permanently enjoined from maintaining, operating, or permitting any
21 act or unfair or unlawful competition in violation of Business and Professions Code
22 sections 17200 et seq.

23 20. That the Court grant a preliminary and permanent injunction against
24 Defendants and their agents, officers, employees and anyone acting on his behalf
25 abating the continuation of the unfair or unlawful competition as herein described on the
26 Property and ordering that the conditions and activities, as herein described, be
27 corrected and eliminated from the Property.

1 21. That pursuant to Business and Professions Code sections 17200 et seq.,
2 Defendants and their agents, officers, employees and anyone acting on his behalf be
3 assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00), for each
4 and every act of unfair and unlawful competition, and every day that the property has
5 been maintained as a nuisance, including and not limited to violations of section 11225,
6 et seq. of the Penal Code, the Red Light Abatement Act.

7
8 ON ALL CAUSES OF ACTION

9 22. That Plaintiff recover the amount of the filing fees and the amount of the
10 fee for the service of process or notices which would have been paid but for
11 Government Code section 6103.5, designating it as such. The fees may, at the Court's
12 discretion, include the amount of the fees for certifying and preparing transcripts.

13 23. That Plaintiff be granted such other and further relief as the Court deems
14 just and proper.

15
16 DATED: May 25, 2012

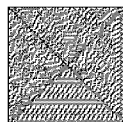
Respectfully submitted,
CARMEN A. TRUTANICH, City Attorney
ASHA GREENBERG, Managing Assistant City Attorney
ANH TRUONG, Asst. Superv. Deputy City Attorney

17
18
19 By: 

MARIA AGUILON, Deputy City Attorney
Attorneys for Plaintiff, THE PEOPLE OF THE STATE
OF CALIFORNIA

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 5/29/2019 6:54:40 PM
Subject: Fwd: test

Hi there.
(following our announcement about the massage parlors in the Valley)



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

8332 Sepulveda Blvd., North Hills CA

Describe Criminal Activity

Prostitution, Possible Human/Sex Trafficking

Name (optional)

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

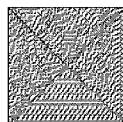
If you have any questions or concerns, please [write us for support](#).

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To: Armida Bayliff[armida.bayliff@lacity.org]; Mark Ross[mark.ross@lacity.org]
From: Ivor Pine
Sent: Mon 3/11/2019 4:23:37 PM
Subject: Fwd: test

Good morning. Problem property complaint within Foothill. Thank you.



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

8234 Foothill Blvd, Sunland CA

Describe Criminal Activity

Closed down bar, Where Else, has been running illegal Casino games and dealing heroin.

Bringing in a new criminal element.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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To: Karine Philips[karine.philips@lacity.org]
Cc: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 3/8/2019 1:18:00 AM
Subject: Fwd: New message via your website, from [REDACTED]

Hi Karine,
We've received this problem property complaint through the website - in Woodland Hills.

Thank you,

Ivor

A site visitor just submitted a new Contact Form

<https://www.lacityattorney.org/>

Message Details:

NAME:: [REDACTED]

EMAIL:: [REDACTED]

NEIGHBORHOOD:: Woodland Hills 91367

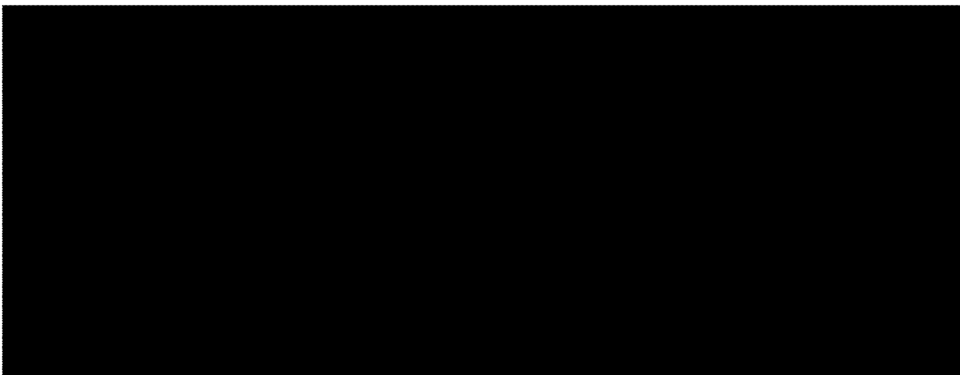
HOW CAN WE HELP?: There is a "sober living house" on our street that has residents who are not sober. We see people doing drugs on our street, hiding behind trees etc. Someone died of an overdose in a car parked outside of the house the day after Christmas. Is this house running a legal business? Do they need a license for this type of business? They can house up to 15 people. Now cars are being broken in to. Someone offered my daughter drugs today and my husband has reported it to the police with a description. If it's listed as a sober living house do they have to keep drug testing the residents? Please advise about this nuisance in our usually calm and safe neighborhood. Thank you.

Never miss a lead. Download the [Wix Mobile App](#)

To edit your email settings, go to your Inbox on desktop.

Never miss a lead.

Download the [Wix Mobile App](#)



----- Forwarded message -----

From: Paul Miller <35379@lapd.online>
Date: Wed, Jul 31, 2019 at 12:00 PM
Subject: Re: 727 E 33rd st
To: Ryan Whiteman <34900@lapd.online>
Cc: Adam Bierman <adam.bierman@lacity.org>

It's a Hispanic home. I believe they are Ghetto Boys or 29th St. Sorry, its been a while since I worked gangs. I know our Narco unit looked into them a while back, but do not have any dispo.

The house you are think of is on 31st street.

Paul Miller

Police Officer III+I

Los Angeles Police Department

Newton Area
Office No.: 323.846.3937
Cellphone.: 424.210.6510
Fax No.: 323.846.6539
Mail Stop: 408
35379@LAPD.ONLINE

From: Ryan Whiteman <34900@lapd.online>
Sent: Wednesday, July 31, 2019 11:13:18 AM
To: Paul Miller <35379@lapd.online>
Cc: Adam Bierman <adam.bierman@lacity.org>
Subject: Re: 727 E 33rd st

Is that the outlaw 20 pad?

Sent from my iPhone

On Jul 31, 2019, at 10:47 AM, Paul Miller <35379@lapd.online> wrote:

Hello,

CD 9 reached out to me about 727 E 33rd St. They said a constituent came to their office complaining it was a nuisance property, but had no other specifics to give at this time.

I know in the past this was a gang/narco location. I was wondering if this was on anyone's radar, or any active investigations were occurring.

When I get more information I will let you know.

Thank you in advance for any insight you may provide.

Thank you,

Paul Miller

Police Officer III+I

Los Angeles Police Department

Newton Area

Office No.: 323.846.3937

Cellphone.: 424.210.6510

Fax No.: 323.846.6539

Mail Stop: 408

35379@LAPD.ONLINE

--

Adam Z. Bierman

Deputy City Attorney

Citywide Nuisance Abatement Program

Safe Neighborhoods Division

Office of the City Attorney

200 N. Main St., Rm. 966

Los Angeles, CA 90012

phone: 213.978.4098 fax: 213.978.8717

adam.bierman@lacity.org

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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 9/16/2019 4:31:00 PM
Subject: Fwd: test

Good morning,
A complaint about a problem property.

Thank you,

Ivor

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

6548 Cleon Ave., N. Hollywood

Describe Criminal Activity

Concerned neighbors observe the same people frequent the house often. The man who no longer lives there has not returned. I noticed a middle-aged woman living there. She doesn't work. Now she has a BMW in the drive way. She has people over at all times in the night. It's the same going on as before. Her name is [REDACTED], we believe she is selling drugs out of that house. When is it ever going to stop

Name (optional)

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

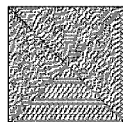
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Tue 1/15/2019 9:10:26 PM
Subject: Fwd: test

FYI



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

Coldwater Cyn And Magnolia Sherman Oaks Ca 91423

Describe Criminal Activity

Large number of homeless activity. They commit car robberies and defecate everywhere.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

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To: Armida Bayliff[armida.bayliff@lacity.org]
Cc: Daniel Bral[daniel.bral@lacity.org]; Todd Tristan[todd.tristan@lacity.org]
From: Ivor Pine
Sent: Fri 11/8/2019 11:45:28 PM
Subject: Fwd: test

Hi Armida,
Happy Friday. Another problem property complaint has come in - this one's in LAPD Southeast. Copying the new Neighborhood Prosecutor, Todd Tristan, so that he's looped in on this, since they have called LAPD for help. Thank you,
Ivor

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

439 E. 98th St

Describe Criminal Activity

On a daily basis, there are men drinking, smoking and selling drugs in front of the house and in the alley. We are surrounded by these men. Not only that but they pee in front of the house. At times they gamble and there has been shots fired in the air. Among them, they have altercation. From 10am to 9pm at night theres loud music coming from loud bass speakers, the marijuana smells comes to the house. We are a household with 5 kids all under 12. There are endless crimes on a daily basis. We have called the cops many times but it's not enough. We have seen the efforts of the city, but it's not enough, there needs to be more than can be done. There are a lot of gang members that are on parole or probation. On the weekends it gets worse, they block off the street, our drive ways, and when we ask them to move, they get mad as if we are bothering them. We should not have to live in these conditions. We are not renting, we have a mortgage, we pay property taxes. There is even an RV parked right in front of our house that sells to homeless crack.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 4/15/2019 4:37:19 PM
Subject: Fwd: test

Good morning. Here is a potential problem property alert for you.
Thanks,

Ivor

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

1421 E. 48th St.

Describe Criminal Activity

The apartment complex houses allows the meet up for members of the 38th gang, they keep stolen vehicles and parts, drugs, constant tagging of surrounding property and other suspicious behavior. On April 10, there was a drive by shooting and certain individuals in that complex are involved. Lately, there has been an increase of suspicious behavior, the cops simply pass by and the gang members just disperse, switch their cars to other models with paper plates and then it continues. Many neighbors no longer feel safe and feel that another drive by or tragedy is around the corner.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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manner.

----- Forwarded message -----

From: **Tom Cardona** <39688@lapd.online>

Date: Fri, May 31, 2019 at 2:10 PM

Subject: abatement

To: Adam Bierman <Adam.Bierman@lacity.org>

hello,

I'm officer cardona #39688 I work newton gang. I was hoping to start the abatement process at this location at 129 e 69th st.

The person who lives there is Renteria, Jorge who is on parole.

Residents are flagging us down and coming to the station to talk about the gang problem but they do not want to file a report due to gang retaliation.

I will send more fi's or anything else that you need.

please call me I you need anything else. [REDACTED]

Thank you and have a great weekend

From: Adriana Ramirez

Sent: Friday, May 31, 2019 2:02 PM

To: Tom Cardona

Subject: FW: Your scanned document

Adriana Ramirez, N4640

Senior Administrative Clerk

Los Angeles Police Department

Newton Gang Enforcement Detail

3400 S. Central Ave.

Los Angeles, CA 90011

(323) 846-6559 Office

n4640@lapd.online

From: SafeQScan@lapd.online [mailto:SafeQScan@lapd.online]

Sent: Friday, May 31, 2019 1:59 PM

To: Adriana Ramirez <n4640@lapd.online>

Subject: Your scanned document

--
Adam Z. Bierman

Deputy City Attorney
Citywide Nuisance Abatement Program
Safe Neighborhoods Division
Office of the City Attorney
200 N. Main St., Rm. 966
Los Angeles, CA 90012
phone: 213.978.4098 fax: 213.978.8717
adam.bierman@lacity.org

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| | | | | | | | |
|-------------------------|---|--------|---|----------------------------|---|---------------------|------------------------|
| OP. LIC. NO. | 0 - NONE - | STATE | LA | NAME (LAST, FIRST, MIDDLE) | KENTERIA, JORGE | SUFFIX (JR., ETC.) | |
| RESIDENCE ADDRESS | [REDACTED] | | CITY | LA | STATE | CA | SEX |
| HEIGHT | 5'08" | WEIGHT | 190 | BIRTH DATE | [REDACTED] | CLOTHING | BLK SHIRT, GRAY SHORTS |
| PERSONAL ORNITHES | TT "P" ON FACE | | | | | PHONE NO. | - NONE - |
| BUSINESS ADDRESS/SCHOOL | UNEMPLOYED | | | | | SOCIAL SECURITY NO. | [REDACTED] |
| MONIKER/ALIAS | "FAT BOY" SA-411600 | | | GANG/CLUB | ES PBS 42NO | | |
| SUBJ INFO | 1. LOTTERY 3. SOLICITOR 5. GANG ACTIVITY 7. ON PAROLE | | 2. PROWLER 4. WITNESS 6. HAS RECORD 8. ON PROBATION | | <input type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER | | |
| VEH. INFO | YEAR | MAKE | MODEL | TYPE | COLOR | VEH. LIC. NO. | TYPE |
| INT. COLOR | 1. BUCKET SEAT 2. DAMAGED INTERIOR | | 1. CUSTOM WHEELS 2. PAINTED MURAL | | 3. LEVEL ALTER 4. RUST/PRIMER 5. CUSTOM PAINT 6. VINYL TOP | | |
| H. BODY | 1. DAMAGE 2. MODIFIED | | 3. STICKER 4. LEFT 5. RIGHT 6. FRONT 7. REAR | | WIN-DOWS 1. DAMAGE 2. CUSTOM TINT 3. CURTAINS 4. LEFT 5. RIGHT 6. FRONT 7. REAR | | |

Persons with subject

| | | | |
|--------------------|-----|-----|--------------|
| NAME (LAST, FIRST) | DOB | SEX | GANG/MONIKER |
| NAME (LAST, FIRST) | DOB | SEX | GANG/MONIKER |

ADDITIONAL INFO (ADDITIONAL PERSONS, BOOKING NO., NARRATIVE, E-MAIL, SOCIAL MEDIA ACCOUNT(S) (E.G., TWITTER, INSTAGRAM, FACEBOOK), ETC.):

OBS WANTED SUSP. ARREST SUSP FOR FELONY WARRANT 3000.08 PC.

S/A ES PBS GM, W/ VISIBLE PBS TATTOOS.

| | | | | | | | |
|-----------------|------------------|------|--------------|--------------|-----|----------|--------------|
| DATE | 9/17/18 | TIME | 6PM | LOCATION | MAN | RD. | 1393 |
| OFFICER | VAN HOOVER | | SERIAL NO. | 411600 | | OFFICER | CARDONA |
| FIELD INTERVIEW | 15.43.00 (01/18) | | INCIDENT NO. | 180417004888 | | DIVISION | NEWTON |
| | | | | 130136 | | DETAIL | SUPV. INITS. |

Persons with subject

| | | | |
|---|------------|-----|--------------|
| NAME (LAST, FIRST) | DOB | SEX | GANG/MONIKER |
| HERNANDEZ, MIGUEL | [REDACTED] | M | PBS |
| NAME (LAST, FIRST) | DOB | SEX | GANG/MONIKER |
| RENTERIA, JORGE | [REDACTED] | M | PBS FATBOY |
| ADDITIONAL INFO (ADDITIONAL PERSONS, BOOKING NO., NARRATIVE, E-MAIL, SOCIAL MEDIA ACCOUNT(S) (E.G., TWITTER, INSTAGRAM, FACEBOOK), ETC.) | | | |
| TS FOR DOUBLE PARKING, SA ES PBS CIM IN RIVAL GANG HOOD (ECC), PBS TTS, W/OTHER PBS CIMS. WW NEL, QSP. | | | |

| | | | |
|------------------|--------------|---------------|------------|
| DATE | TIME | LOCATION | RD |
| 2/23/19/2020 | | 69TH E/O MAIN | 1393 |
| OFFICER | SERIAL NO. | OFFICER | SERIAL NO. |
| VAN HOOSER | 41600 | ANZORA | 40348 |
| FIELD INTERVIEW | INCIDENT NO. | DIVISION | DETAIL |
| 15.43.00 (01/18) | 190323004694 | NTN | 13638 |
| | | SUPV. INITS. | |

| | | | |
|-------------------------|-----------------|---------------------------------|---|
| OP. LIC. NO. | STATE | NAME (LAST, FIRST, MIDDLE) | SUFFIX (JR., ETC.) |
| [REDACTED] | CA | VELEZ, CLAUDIO | J |
| RESIDENCE ADDRESS | CITY | STATE | SEX |
| [REDACTED] | LA | CA | M |
| HEIGHT | WEIGHT | BIRTHDATE | CLOTHING |
| T 600 | W 230 | B [REDACTED] | BLUE SHIRT, BLK PANTS, BLK SHOES |
| PERSONAL ORNITIES | | | PHONE NO. |
| TT "PBS" ON STOMACH | | | NONE |
| BUSINESS ADDRESS/SCHOOL | | | SOCIAL SECURITY NO. |
| WAREHOUSE | | | [REDACTED] |
| MONIKER/ALIAS | | GANG/CLUB | |
| "CRAZY JOE" | | ES PBS 42ND ST | |
| SUBJ | 1 LOITERER | 3 SOLICITOR | 6 GANG ACTIVITY |
| INFO | 2 PROWLER | 4 WITNESS | 8 VIAS RECORD |
| | | 7 ON PAROLE | 8 ON PROBATION |
| | | <input type="checkbox"/> DRIVER | <input checked="" type="checkbox"/> PASSENGER |
| YEAR | MAKE | MODEL | TYPE |
| 17 | TOYO | Camry | 4D |
| INT COLOR | 1 BUCKET SEAT | 2 DAMAGED INSIDE | 1 CUSTOM WHEELS |
| N | 2 | 3 | 4 |
| T | 4 | 5 | 6 |
| | 1 CUSTOM WHEELS | 3 LEVEL ALTER | 5 CUSTOM PAINT |
| | 2 PAINTED MURAL | 4 RUST/PRIMER | 6 VINYL TOP |
| H | 1 DAMAGE | 3 STICKER | 4 LEFT |
| | 2 MODIFIED | 5 RIGHT | 7 REAR |
| | WIN-DOWS | 1 DAMAGE | 3 CURTAINS |
| | | 2 CUSTOM TINT | 5 RIGHT |
| | | | 7 REAR |

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 12/13/2019 7:43:05 PM
Subject: Fwd: test

Problem Property alert. Thank you

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

Describe Criminal Activity

1517 w 11th pl. Los Angeles CA 90015 1522 w 11th pl Los Angeles 90015 Severe drinking and gang hang out on a daily basis making living unsafe for bystanders. Shootings have happen in front of these homes, no one is caring about the safety of others, police have been capes and they never show up, police pass by and does nothing to these individuals drinking illegally outside their home or being a nuisance to the community, please help us this has gone too long. Please help us get rid of this unsafe issue.

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

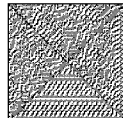
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 4/26/2019 10:23:42 PM
Subject: Fwd: test

Good afternoon. Anothre problem property alert.
Have a nice weekend,
Ivor



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

1421 East 48th Street Los Angeles, CA 90011

Describe Criminal Activity

Owner of the apartment building has allowed members of the 38th gang to use it as training/ hangout area. They continue to graffiti the area, intimidate and harass the neighbors, party, use and sell of drugs. The gang also is involved in the sell of stolen vehicle parts. Activity usually ramps up late at night and play a part in the April 10 shooting on Ascot and 48th st.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner.

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 9/27/2019 6:52:29 PM
Subject: Fwd: test

Happy Friday - here is a potential problem property alert. Thank you.

Ivor

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

312 W 5th Street, 90013

Describe Criminal Activity

10-12 dealers out all day long on 5th Street between Broadway and Lindley Place (alley just East of Hill Street). They're selling everyday crystal meth, heroin, pills. They block sidewalk intentionally so people trying to walk along sidewalk have to ask their permission. Assaults and robberies happen often, but drugs sold everyday.

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

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would be trespassing. I feel VERY threatened by the DARWISH family, their VERY STRANGE AND ABUSIVE MENTALITY and their well known, established and documented reputation for being vicious and spiteful, perhaps revengeful when they come to realize that their profitable activities and illegalities are or may be being reported to the appropriate authoritative figures. I am NOT enjoying any of this time and effort to make ALL of these interrelated ILLEGALITIES known to all of the authoritative figures, departments and agencies that I have been persistently attempting to reach and notify. I just happen to be personally and severely affected by what the DARWISH family is doing and disruptively causing. I am a very knowledgeable, law abiding senior citizen with a long real estate related background and tenants of my own with whom I have a great rapport. These links and insights below are of and from the final full time legal tenants at 1517 SILVER LAKE BL., L.A. CA 90026 aka 1516 RENDALL PL., L.A. CA 90026 and owned by the DARWISH FAMILY. Their names are LAURA VALL and THOMAS HJORTH, a couple that live together and work together as musicians and singing known as NOVA.

<https://www.facebook.com/laulau> and <https://www.facebook.com/thjorth> and <https://www.facebook.com/NovaMusicLA/> Thomas Hjorth wrote: November 20, 2018 · LA friends.. In need of a new place, we are so tired of getting harassed by our landlord, so it's time to move. If anyone hears about any places for rent please let me know!! ♦♦♦ Thomas Hjorth Thomas Hjorth to Mehdi Hassine yeah sucks, they really want us out so they can make it a Airbnb like the 3 other apt. Emanuela Bellezza Omg... what is your landlord doing to you? Spencer Wright That's bullshit man. Get a lawyer. Landlords have be punished for this kind of crap. ♦ Thomas Hjorth Thomas Hjorth to Spencer Wright not worth it, they are pure mafia and We just don't have it in us to fight, time to move on! Stephen Collins Stephen Collins Let them buy you out then... Amy J. Smith L.A. Tenants Union You have rights. Don't let them be capitalist bullies. ;) Contact Tenants Union, different chapters across city. Thomas Hjorth Thomas Hjorth WOULD LOVE TO!! Will try ♦ Thomas HjorthThomas Hjorth replied · 2 Replies Stephanie Shee Stephanie Shee You guys have a lot of rights as tenants and you can call the city on them. Trust me, I've been through this and won. <https://www.facebook.com/laulau> and <https://www.facebook.com/thjorth> and <https://www.facebook.com/NovaMusicLA/> Please acknowledge receipt of this insightful, supportive correspondence. Thank you, [REDACTED] (best afternoons and evenings only please)

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law

enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Tue 9/3/2019 4:23:54 PM
Subject: Fwd: test

Good morning,

A problem property alert. The gentleman wishes to remain anonymous. Thank you.

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

1516 RENDALL PL., L.A. CA 90026 aka 1517 SILVER LAKE BL., L.A. CA 90026

Describe Criminal Activity

Proven and documented illegal activities and observations plus tax evasion, elder abuse and more Hello, PLEASE READ ALL OF THIS CAREFULLY as I have explained everything VERY thoroughly, including in the attached forwarded email below. Please acknowledge receipt of all of this detailed and revealing correspondence so I will know it was received , read and understood. My name and contact information is at the conclusion. PLEASE DO NOT REVEAL MY NAME OR CONTACT INFORMATION TO THE PERSONS I AM REPORTING AND COMPLAINING ABOUT. Thank you. This letter includes reporting of MOST PROBABLE Federal and State income tax evasion, probable Los Angeles city, county and CA state annual licensing fee and/or annual Business tax licensing fees and annual L.A. City RSO Rent Stabilization Ordinance fee evading and/or the falsification these culprits are submitting to fool these various agencies and perhaps the comparable agencies of other cities they own multi apartment unit, rent controlled real estate in and operate ILLEGALLY as an AIRBNB. They are the DARWISH family and they own additional multi-unit residential income properties in Los Angeles city and as I'm discovering also in West Hollywood city or the west side of Hollywood adjacent to West Hollywood city and possibly other surrounding cities aside from their L.A City Rent Controlled 4 unit apartment building directly outside of my front windows being run as a HIGHLY DISRUPTIVE ILLEGAL AIRBNB operation here in Silver Lake, L.A. 90026. This was also brought to my attention by Patrick Beguin 866-538 2578 support@hostcompliance.com when he called me for assistance and insights a few days ago. Patrick works for the agency that L.A. City is currently using to track down ILLEGAL AIRBNB operations. Patrick informed me that the DARWISH family owns various additional properties where presumably these same illegalities are currently active. He also asked me if I knew of any of the additional properties owned and operated by this DARWISH family of crooks. Patrick also asked me if I could snap and furnish some specific photos that he'd like to have but I explained that in order to snap those particular photos, I would have to enter the DARWISH's property that directly affects me and is directly

across the street from my house. That would be trespassing and I refused to do that and I explained that to Patrick. Below, please see written documentation and contact information on the final full time legal tenants that were finally ILLEGALLY severely pressured to vacate their rented apartment at 1517 Silver Lake Bl., L.A. CA 90026 and a lot more. All of this and the additional ILLEGALLY operated properties the DARWISH family owns and operates adds to my HIGHLY SUSPECTED AND PROBABLE multiple tax evasions that I referenced earlier, NOT just the Federal and State taxes. If you are conducting an illegal business and severely harassing your real full time tenants ("if you don't like it, MOVE OUT") to make them move out voluntarily (thereby bypassing any relocation fees) then it's easy to assume that this DARWISH family is evading their various annual taxes that I listed and referenced earlier, NOT just their Federal and State taxes but the various taxes and registration declarations and fees associated with being a multi-unit apartment complex owner, times each of the multi-unit apartment complexes that they own and similarly run ILLEGALLY as an AIRBNB. A Landlord can NOT claim on their annual Business Tax forms and/or their annual L.A. City RSO Rent Stabilization Ordinance Forms that their units are vacant and thereby not generating a reportable income to itemize on their forms, in effect exempting their units when in reality their units are actively producing a VERY SIZABLE income. At \$140.00 per night as seen in just one of their various unit advertisements on AIRBNB

https://www.airbnb.com/rooms/33428489?source_impression_id=p3_1567142409_ceaq7JyzhajcmDXu (found by Patrick Beguin and sent to me), multiply that by 4 and then by 30 because they have 4 units in this one particular building of theirs. You'll see that they are potentially earning about \$16,800 PER MONTH on just these 4 apartment units at just this particular apartment complex that they own. This is a LOT of money that claimed vacant or exempted rental units can't possibly earn. These units are clearly VERY MUCH OCCUPIED!!! An AIRBNB income will generate a considerably higher income per unit than just renting them legally, especially under Rent Control. IT IS ILLEGAL TO AIRBNB ANY RENT CONTROLLED PROPERTY, PERIOD!! At this point, the tax evading/fraud that I am attempting to point out, times their additional ILLEGALLY rented AIRBNB apartments elsewhere and you should now see this just as clearly as I can. At least one member of this family is a licensed General Contractor, possibly also holding a current real estate broker or agent license. That would be DAVID DARWISH, see more below. As you will read, I have been communicating regularly for quite some time now in my attempts to make my well thought out, internet researched and/or witnessed observations known to the appropriate agencies, as best as I can determine who they are and how to correspond with them. I am a private citizen, age 66 and I live all alone. I AM PERSONALLY affected by these culprits. I'm not only fearful of their proven VERY PECULIAR, ABUSIVE "Psycho" (per their former tenants) behavior but as I have thoroughly explained to all the other agencies that I have been reporting all of this to, their ILLEGAL AIRBNB operation DIRECTLY across the street from my bedroom and livingroom on this VERY unique and VERY

narrow one block long street (RENDALL PL., L.A. CA 90026) is severely disrupting the quality of my life. The influx of constant illegally parked cars makes it so that I can't exit or enter my own garage without having to CONSTANTLY CALL PARKING ENFORCEMENT and now further having to regularly contact Michael Guerra michael.guerra@lacity.org (323) 913-4755 and his supervisor tracy.floyd@lacity.org both with L.A. City Parking Enforcement about this. I am also desperately trying to have 3 signs that immediately surround this property and my house changed to TOW AWAY NO PARKING AT ANY TIME. With only the NO PARKING AT ANY TIME SIGNS, I HAVE BEEN FORCED TO REPEATEDLY COME OUT AND EXPOSE MYSELF TO SHOW MY I.D. TO PARKING ENFORCEMENT OFFICERS. I have also been forced to substantiate and prove my reports by taking constant photographs. Just the vehicular influx and constant illegally parked cars where signs are clearly posted "NO PARKING AT ANY TIME" resulting specifically from the location of the particular ILLEGAL AIRBNB location directly in front of my house, is causing me A LOT OF GRIEF. As it happens, the DARWISH family's son saw me take a picture of his Mercedes Station wagon yesterday from inside of my house through a window and promptly called the police to complain. His cell was on speaker so I could easily hear both sides of that conversation. Crooked people take revenge on innocent people, especially when they fear that they will get caught doing something illegal. I hope I am making my emphasis clear. I am also HIGHLY disturbed on virtually a daily basis by all the 24/7/365 noise caused by AIRBNB patrons pulling up, trying to squeeze large vehicles into the unanticipated narrow garages and then desperately trying to close the warped and splintery old wooden garage doors that they aren't aware are intentionally jammed to stay up and open. Then taking out all of their luggage, wheeling it on the rough surfaces, opening and closing car doors, trunk lids, car engines, laughter, loud conversation, tossing of cigarettes and fast food trash onto the street (which I have to clean up regularly to maintain my dignity and sanity), their tired screaming and crying children, their barking dogs, opening and closing the entry gate. Additionally all the vehicles and noises caused by the the ILLEGALLY PARKED owners coming and going, the large maintenance trucks (whose drivers don't care about the parking tickets they get), the maids, the linen pickups and deliveries, etc. (ONLY THE RENDALL PL. ENTRANCE DIRECTLY IN FRONT OF MY HOUSE IS USED) AND ALL OF THIS IS DIRECTLY OUTSIDE OF MY BEDROOM AND LIVING ROOM THROUGHOUT THE DAY AND NIGHT VIRTUALLY DAILY. I fear the revenge of the DARWISH family for progressively learning that I am reporting all of these issues to various appropriate authorities. Someone has already deliberately completely destroyed my beautiful sectional garage door and ruined portions of my electric garage door opening system. There was no theft, just the deliberate destruction. Naturally I have since replaced it. I am not a city, county, state or government employee of any sort. You will see below that all of the combined interrelated or inter connected matters are directly related to the very same culprits, the DARWISH family. Also below you will see some of the agencies and their individual employees and their contact information that I have been in regular informative

contact with. It has become clearly obvious that I have discovered a lot of related illegalities, all of which pertain to this same DARWISH family that I have been persistently and diligently reporting in great substantiating and time consuming detail. What I have come to discover, witness and ultimately realize goes way beyond mere assumption. I am a senior citizen and I am being abused, threatened and otherwise personally affected in numerous ways by the ILLEGALITIES that this DARWISH family is notoriously performing. They are progressively becoming aware that I am reporting various issues that they are causing me. As a result their "Psycho" behavior as their recent former tenants refer to it (see copied and attached below), I easily concur and have personally witnessed this same sort of VERY STRANGE behavior and mannerisms from this DARWISH family (see below). David S. Darwish = Husband Barbara Joan Darwish = Wife Eden Barvid Darwish = Son (one of his AKAs is Edward on AIRBNB and I'm told he goes by several) See 1 of the 4 fully remodeled units at 1516 RENDALL PL., Los Angeles, CA 90026 aka 1517 SILVER LAKE BL, Los Angeles, CA 90026 in their problematic 4 plex directly outside of my front facing windows.

https://www.airbnb.com/rooms/33428489?source_impression_id=p3_1567142409_ceaq7Jyzhai_cmDXu David Darwish happens to also be a Licensed General Contractor and possibly also a Licensed Real Estate Broker or Agent here in CA as I recall reading previously.

<https://www2.cslb.ca.gov/OnlineServices/CheckLicense/PersonnelLicenseList.aspx?SeqNumber=776074&PersName=DARWISH%2c+DAVID> Contractor's License Detail for License # 844644 DAVID DARWISH P O BOX 570554 TARZANA, CA 91357 Business Phone Number: (818) 577-3606 Entity Sole Ownership Issue Date 08/13/2004 Expire Date 08/31/2020 The DARWISH family's private residence and their home landline phone number, as found on the internet [REDACTED] Avenida Hacienda, Tarzana, CA 91356 Landline phone number 818-[REDACTED]

TRACT # 5475 N 50 FT OF S 100 FT MEASURED AT R/A TO S LINE OF LOT 114 APN 2161-020-020 — Forwarded Message — From: [REDACTED] To:

support@hostcompliance.com <support@hostcompliance.com>; Planning Home-Sharing <planning.home-sharing@lacity.org>; stacy.pobatschnig@hostcompliance.com <stacy.pobatschnig@hostcompliance.com>; Arturo Sandoval <27250@lapd.online>; Arturo Sandoval <arturo.sandoval@lapd.online>; Jesus Aispuro <36072@lapd.online>; 38595@lapd.online <38595@lapd.online>; Mary Rodriguez <mary.d.rodriguez@lacity.org>; Marisol Rodriguez <marisol.rodriguez@lacity.org> Sent: Saturday, August 31, 2019, 04:31:32 PM PDT Subject: Written documentation and contact information on the final full time legal tenants that were finally ILLEGALLY severely pressured to vacate their rented apartment at 1517 Silver Lake Bl., L.A. CA 90026 and more Hello, Below is an online, then full time tenant written complaint history (copied and pasted here) for you to read for yourselves. Included is contact information on the final full time tenants that were finally severely pressured (as you'll read in their own words) to vacate their apartment at 1517 Silver Lake Bl., L.A. CA 90026 because of illegal harassment from their slumlord Landlord to cause them to voluntarily vacate

their rented apartment (and no relocation fees had to be paid to them). It further spells out the threatening and abusive mentality of their highly problematic, nonconforming, law breaking, income tax and annual city apartment building owner's annual Business Tax fees and RSO Rent Stabilization Ordinance fee evading Landlords. It also points at similar applicable fees required by other cities in L.A. County such as the city of West Hollywood where this DARWISH family owns and operates comparable ILLEGAL AIRBNB operations per Patrick Beguin's research. Without knowing that property's address it may be in Hollywood (L.A. CITY) rather than West Hollywood City. The DARWISH family apparently tends to not immediately reveal their AIRBNB location's addresses but they did in at least one instance and that address is across the street from my house on RENDALL PL. Their apartment building is located at 1516 RENDALL PL, L.A. CA 90026 aka as 1517 SILVER LAKE BL., L.A. CA 90026. All of this income tax and fee evading by the DARWISH family Landlords makes it more clear about having the full time tenants, past and present living there having all been told "If you don't like it, MOVE OUT!!" This information will also help support and explain all of the various related issues that I have spent months and MANY hours researching and attempting to make known to all of the applicable authoritative city and government officials. Remember too that these insights on the DARWISH family are also applicable to the other illegally operated AIRBNB properties that they own and are currently ILLEGALLY operating, as further discovered by and revealed to me by L.A. city hired Patrick Beguin support@hostcompliance.com 866-538-2578. All of the DARWISH family's other illegal operations should be discovered and similarly addressed as well. As I have written prior, Patrick has been assigned to look into and verify matters pertaining to the DARWISH family's various properties and their ILLEGAL AIRBNB operations at those locations. As I wrote prior, Patrick reached out to me and even called me to discuss his additionally needed insights, supporting matters and requested my direct witnessed input and assistance. He had also asked me if I could take specific photos at the 1517 SILVER LAKE BL., L.A. CA 90026 aka 1516 RENDALL PL, L.A. CA 90026 location for him but as I mentioned, I told him that I could NOT provide that for him as I would have to enter that property to take those specific photos and that would be trespassing. I feel VERY threatened by the DARWISH family, their VERY STRANGE AND ABUSIVE MENTALITY and their well known, established and documented reputation for being vicious and spiteful, perhaps revengeful when they come to realize that their profitable activities and illegalities are or may be being reported to the appropriate authoritative figures. I am NOT enjoying any of this time and effort to make ALL of these interrelated ILLEGALITIES known to all of the authoritative figures, departments and agencies that I have been persistently attempting to reach and notify. I just happen to be personally and severely affected by what the DARWISH family is doing and disruptively causing. I am a very knowledgeable, law abiding senior citizen with a long real estate related background and tenants of my own with whom I have a great rapport. These links and insights below are of and from the final full time legal tenants at 1517 SILVER LAKE BL., L.A. CA 90026 aka 1516 RENDALL PL, L.A. CA 90026 and

owned by the DARWISH FAMILY. Their names are LAURA VALL and THOMAS HJORTH, a couple that live together and work together as musicians and singing known as NOVA.

<https://www.facebook.com/laulau> and <https://www.facebook.com/thjorth> and

<https://www.facebook.com/NovaMusicLA/> Thomas Hjorth wrote: November 20, 2018 · LA

friends.. In need of a new place, we are so tired of getting harassed by our landlord, so it's time to move. If anyone hears about any places for rent please let me know!! 💎💎💎 Thomas Hjorth

Thomas Hjorth to Mehdi Hassine yeah sucks, they really want us out so they can make it a Airbnb like the 3 other apt. Emanuela Bellezza Omg... what is your landlord doing to you?

Spencer Wright That's bullshit man. Get a lawyer. Landlords have be punished for this kind of crap. 💎 Thomas Hjorth Thomas Hjorth to Spencer Wright not worth it, they are pure mafia and

We just don't have it in us to fight, time to move on! Stephen Collins Stephen Collins Let them buy you out then... Amy J. Smith L.A. Tenants Union You have rights. Don't let them be capitalist

bullies. ;) Contact Tenants Union, different chapters across city. Thomas Hjorth Thomas Hjorth WOULD LOVE TO!! Will try 💎 Thomas Hjorth Thomas Hjorth replied · 2 Replies Stephanie Shee

Stephanie Shee You guys have a lot of rights as tenants and you can call the city on them. Trust me, I've been through this and won. <https://www.facebook.com/laulau> and

<https://www.facebook.com/thjorth> and <https://www.facebook.com/NovaMusicLA/> Please

acknowledge receipt of this insightful, supportive correspondence. Thank you, J. [REDACTED]

[REDACTED] (best afternoons and evenings only please)

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

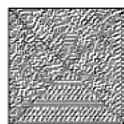
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 8/14/2019 11:10:27 PM
Subject: Fwd: test

Potential problem property alert. Thank you. :)



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

[REDACTED]

Describe Criminal Activity

Very loud music coming from parties at the location listed. The parties often start at around 11:00 am and lasting will after midnight. The Los Angeles Police Department has been contacted by many that live within the community, but do to other priorities have not been able to address the problem in a timely manner. Sergeant Eric Swihart and Lead Case Officer at the Devonshire Division, police station 17, are aware of the problem. If you check the dispatch logs you will find that there has been many complaints from the community. The latest two very loud parties occurring on Thursday, July 4th and this past Saturday, August 10th. Please, we need help!

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

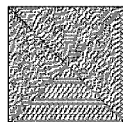
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 12/13/2019 7:42:30 PM
Subject: Fwd: test

A problem property alert. Thank you



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

42nd at at Broadway

Describe Criminal Activity

Constant gang graffiti located on corner alley and corner home form 42nd st at Broadway,90037 many years of daily gang graffiti making community unsafe for people to walk, this location has had multiple calls to 311 to have graffiti removed home owner is not taking actions to install cameras to keep tenants safe, alley and home continues to get tagged on a weekly basis. Please help since no one is advocating to help this community be a safe community to live in.

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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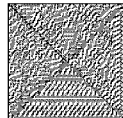
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 7/22/2019 4:43:38 PM
Subject: Fwd: test

Good morning, Armida,
Happy Monday. A potential problem property for you.

Thanks, as always,

Ivor



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

1861 South Sycamore Avenue

Describe Criminal Activity

Drugs (using / selling) Prostitution Illegal dumping

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

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notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner.

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Tue 10/15/2019 6:09:04 PM
Subject: Fwd: test

Good morning,
A problem property alert for you.

Thanks!

Ivor

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

4049 Cartwright Ave, Studio City CA 91604

Describe Criminal Activity

Vacant house for three plus years, multiple break ins, absentee owners who have advertised the vacancy of this house. Very close proximity to neighbors homes with families.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

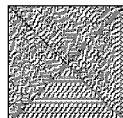
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 5/22/2019 6:17:09 PM
Subject: Fwd: test

problem property alert.
Thank you!

Ivor



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

10190 stonehurst ave. Sun valley ca 91352

Describe Criminal Activity

Meth is being cooked 7 days a week. Starting at about 7:30 pm all thru the night. It's being cooked in house, garage, shed and behind houses. The smell is so bad it makes you sick. Please help stop it.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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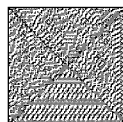
manner.

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 6/7/2019 6:16:45 PM
Subject: Fwd: test

Happy Friday.

Here is a problem property for you. I have a few more coming along. Thank you and have a great weekend.

Ivor



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

Urban Treatment Spa 11128 Whittier Blvd Whittier, CA, 90606

Describe Criminal Activity

Prostitution Human trafficking

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

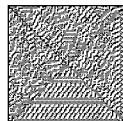
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 6/7/2019 6:17:30 PM
Subject: Fwd: test

#3 of 3.

Thanks



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

8332 Sepulveda Blvd North Hills

Describe Criminal Activity

Massage parlor fronting for prostitution and sex trafficking

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 4/3/2019 8:00:02 PM
Subject: Fwd: test

Hi Armida,
Another problem property for you.

Thanks,

Ivor

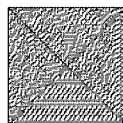
Neighborhood Council elections are taking place now!

Ivor Pine, *Deputy Director*
Community Engagement & Outreach
The Office of Mike Feuer, *L.A. City Attorney*
213-978-8367: desk
213-503-6136: direct
ivor.pine@lacity.org

[ONLINE](#)
[INSTAGRAM](#)
[TWITTER](#)
[FACEBOOK](#)
[NEXTDOOR](#)

----- Forwarded message -----

From: <notifier@epicformbuilder.com>
Date: Wed, Apr 3, 2019 at 12:52 PM
Subject: test
To: <ivor.pine@lacity.org>



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

Venice Blvd/Globe Ave

Describe Criminal Activity

In a span of 8 mths, there have been 2 shootings and 1 stabbing. On a daily basis, residents see open drug sales, prostitution, illegal dumping, and graffiti. Graffiti tagging of a local gang "Sotel" has been captured on video and forwarded to LAPD. Coincidentally or not, the tagging of the gang name has been crossed out with red spray paint recently and the 2nd shooting occurred.

We understand that homelessness shouldn't be criminalized; however, not recognizing that there is a gang or criminal element amongs homeless encampments allows lawlessness to occur. Law enforcement has to be able to be able to make the distinction between homelessness and lawlessness and be able to enforce the laws as necessary.

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

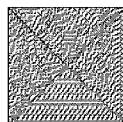
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 6/7/2019 6:17:03 PM
Subject: Fwd: test

#2 of 3



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

WHC Massage Spa 11419 Washington Blvd Whittier CA 90606

Describe Criminal Activity

Prostitution Human trafficking

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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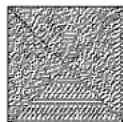
To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 8/7/2019 11:44:29 PM
Subject: Fwd: test

Problem property alert for you. Have a nice night! :)
Ivor

Ivor Pine, Deputy Director
Community Engagement & Outreach
The Office of Mike Feuer, LA City Attorney
ivor.pine@gmail.com
213-978-8367: desk
213-503-6136: cell

[ONLINE](#)
[TWITTER](#)
[INSTAGRAM](#)
[NEXTDOOR](#)
[FACEBOOK](#)

----- Forwarded message -----
From: <notifier@epicformbuilder.com>
Date: Wed, Aug 7, 2019 at 4:43 PM
Subject: test
To: <ivor.pine@lacity.org>



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

327 N Boylston St LA, CA 90012

Describe Criminal Activity

My kids have witnessed drug deals in broad daylight and graffiti by multiple people late at night or early morning hours. Taking place on Temple street between Edgeware & Boylston.

Name (optional)



Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

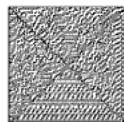
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 2/25/2019 11:25:10 PM
Subject: Fwd: test

Problem Property. Thank you.



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

210 W 7th St (corner Spring)

Describe Criminal Activity

Open air drug sales, public drug use

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

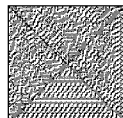
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notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner.

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 2/25/2019 5:26:24 PM
Subject: Fwd: test

Problem Property complaint



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

San Julian Park

Describe Criminal Activity

70% of tents and all the Low income housing buildings have drug/gang headquarters, how can we fix that?

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

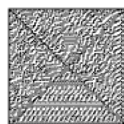
If you have any questions or concerns, please [write us for support](#).

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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 2/25/2019 5:17:35 PM
Subject: Fwd: test

problem property complaint



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

210 W 7th Street 90014

Describe Criminal Activity

Continual and relentless drug dealing in broad daylight.

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

*****Confidentiality Notice*****

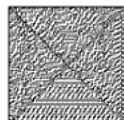
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manner.

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 5/10/2019 6:37:00 PM
Subject: Fwd: test

Problem Property.
Happy Friday! :)

Ivor



EpicFormBuilder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

1416 N La Brea (cross st Sunset)

Describe Criminal Activity

I have been in touch with the city council district #4 and LAPD. There are 2 homeless encampments with a very big problems with drugs. I have personally seen so many drugs deals from the old people in the camps to young kids. This is ridiculous and pitiful and no one is helping. 1416 N La Brea And adjacent to 7181 Sunset Blvd PLEASE HELP. THESE PEOPLE ARE ALSO DANGEROUS.

Name (optional)



Email (optional)



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Best regards,

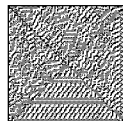
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Fri 8/2/2019 12:04:18 AM
Subject: Fwd: test

Potential problem property. Thank you!



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

21036 Costanzo Street Woodland Hills CA 91364

Describe Criminal Activity

Home owners: [REDACTED] and [REDACTED] Drug activity illegal construction
(through midnight, 1am, 2am, etc.) Tax evasion Fraud

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Wed 8/21/2019 5:02:11 PM
Subject: Fwd: test

Good morning,
A potential "problem property."

Thank you,

Ivor

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

1053 E Orange Grove Blvd APT 1, Pasadena, CA 91104

Describe Criminal Activity

POSSIBLE OWNER LANDLORD RENTAL SCAM LETTER VIA EMAIL ALERT Not sure if this is criminal, This smells like a scam and would hate to see this person possibly take advantage of something in Los Angeles. Received an EMAIL about a Pasadena Apartment rental. SENT

FROM : [REDACTED] SENDER NAME: [REDACTED]

Happy Sunday, Sorry for my late response. The stressed which my work and wife gives me this month has made everything very slow for me. I have limited time of my own please bare with me.

My property is very much available for move in. i will be renting out the property for

\$1,000/month (including utilities) water, gas, electrics & \$1,000 (refundable) security deposit

after lease period. \$70 for pet deposit. please, no aggressive pet. I need a potential tenant who

knows the value of a property and how to maintain & keep a property clean if am away. i

understand how important it is to do a walk through of the property before renting it but i won't

have the chance to do that at the moment due to my new work in Massachusetts. i work on the

ship with Exxon Mobil Company. and my wife's condition She survived a fatal car accident 3

weeks ago with 5 months pregnant resulting to fracture on her legs and she is on a wheel chair

as of now, though I hate to talk about it. Indeed, i don't have anyone around who can help me

with that. i am looking to rent for a long term as i wont be back in town anytime soon and lease

agreement will be yearly (renewable after each year), if you want to proceed I would appreciate,

I was actually working with a realtor earlier but I noticed he inflated the rent with the deposit fee more than I instructed so I decided to rent it out myself, cause I don't like the idea of extortion.

Please feel free to check with the property assessor to be sure you are dealing with the owner of the house my name is (Stephen Galloway) I decided to rent my house to the prospective and reliable tenant who is willing to take good care of it in my absence. property is well maintained,

has a washer and dryer with hookups, kitchen is perfect and equipped, 100% clean to move-in. after checking out the property physically and it suits your need and you are ready to rent my property in my absence, request for Home Rental Application to fill. THE ADDRESS OF THE PROPERTY IS : 1053 E Orange Grove Blvd APT 1, Pasadena, CA 91104 All applications and paper works will be done from my end here, you can be rest assured if you are selected, I will get the keys and every other documents to you without stress. You can count on my decision. Attached below are more pictures of my property. I look forward to hearing from you Thank you

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

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To: Gabrielle Taylor[gabrielle.taylor@lacity.org]
Cc: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Mon 10/28/2019 4:20:14 PM
Subject: Fwd: test

Please see below - a problem property alert which references Northeast. Thank you

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

2211 Neutra Place LA, CA 90039

Describe Criminal Activity

For the last 3 years I have been harassed by some gang members. They come into my house while I am gone and spray chemicals all over my apartment . This gang is being helped by Mexican LAPD gang members from the Northeast Division . I met 2 of the officers, they came to my house. They even wrote a police report of the breaking. They acted like they concern but all they did was gather info, like if I have any family near by, so they could take care of me. I told them no. Now these breakings are a daily thing now. I think this gang is from the other side of the LA river.(east side). This gang has a lot of gang members, they are thugs, they are normal looking people. They have females, males (old and young) and sometimes children. They been following for long time and they know were I go. I can't even go to buy food, I don't know who comes into my house, because they come in while I am away. I have a security camera and it works, but for some reason I haven't been able to see them come in. I think they jam the Wi-Fi signals from my camera . Recently I've been experiencing some pain from the different types of chemicals that they use. I don't know how much more my body can take. I have been to the LAPD 3 times. I don't want to deal with any Mexican cop Because I' m not sure how many crooked Mexican cops they have in that division. Please help me. I talked to the officer in charge of the Gang Unit. No help.

Name (optional)

[REDACTED]

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

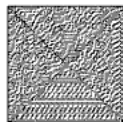
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To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Tue 6/25/2019 10:09:58 PM
Subject: Fwd: test

Problem Property alert. Thank you.



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

8755 Olympic

Describe Criminal Activity

Illegal hotel servicing international people and hurt them taking their security deposits and when they go home they can't fight legally Approximately 20k per month in security deposits s
Approximately 70k per month in income from various short term rental websites -

Name (optional)

[REDACTED]

Email (optional)

[REDACTED]

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

If you have any questions or concerns, please [write us for support](#).

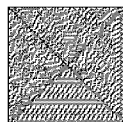
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notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner.

To: Armida Bayliff[armida.bayliff@lacity.org]
From: Ivor Pine
Sent: Tue 7/16/2019 3:58:15 PM
Subject: Fwd: test

Good morning, take two. Problem property alert. Thank you.



Epic Form Builder

GANG / DRUG ACTIVITY NEAR YOU?

Tell us about it anonymously

Address

7646 Van Nuys Blvd, Van Nuys

Describe Criminal Activity

Acu Therapy Prostitution and possible sex trafficking

Name (optional)

Email (optional)

If there is insufficient documented criminal activity by law enforcement related to this location, the City Attorney's office may not be able to take action. In this circumstance, the location will be referred to LAPD for investigation.

Best regards,

Epic Form Builder Team

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